

THE TOWN OF WEMBLEY

BYLAW NO. 700

A bylaw of the Town of Wembley in the Province of Alberta, to provide for the licensing, regulation and control of Dogs and to establish regulation for Dogs, Cats, and other Animals in the Regional Animal Pound.

WHEREAS, the Municipal Government Act, R.S.A. 2000 c M-26 of Alberta, authorizes a municipality to pass bylaws respecting the safety, health and welfare of people and the protection of people and property and respecting domestic animals and activities relating to them; and

WHEREAS, the Municipal Government Act: R.S.A. 2000 c. M-26, authorizes a Municipality to pass a Bylaw regulating, licensing and controlling Dogs, Cats, and other Animals.

NOW THEREFORE the Council of the Town of Wembley enacts as follows:

1. This bylaw may be cited as the “Animal Control Bylaw”.

2. DEFINITIONS

- (a) “Animal” shall mean any domestic animal or small household pet including exotic pets, and shall not include domestic or wild Birds, Wildlife, or Livestock.
- (b) “Assistance Dog” means any professionally trained Dog that works in partnership with a person to increase his or her independence, safety and mobility.
- (c) “Attack” means an assault resulting in bleeding, bone breakage, sprains, abrasions, bruising.
- (d) “Barking” means howling, whining, whimpering, baying, or barking.
- (e) “Bite” means a wound to the skin causing an abrasion, bruising, puncture or break.
- (f) “Cat” means either a male or female domestic Cat of any breed.
- (g) “Controlled Confinement” means when an order under Schedule “D” or Schedule “E” is issued by a Peace Officer to confine or seize a Dog in either the Regional Animal Pound or at any other location as specified in the order and confined in a pen, cage or building in a manner that will not allow the Dog to Bite or harm any person, Animal or Livestock.
- (h) “Day” means a continuous period of twenty-four (24) hours.
- (i) “Dog” means either a male or female Dog of any breed.
- (j) “Dog License” means a license application issued by the Town pursuant to Schedule “B” of this Bylaw.
- (k) “Dog Tag” means the physical tag issued by the Town for a Dog as a means of identification.

- (l) "Impounded" means a Dog, Cat or other Animal that has been apprehended, caught, trapped in a live trap, or is otherwise caused to come into the care and custody of a Peace Officer pursuant to an investigation or apparent breach of this Bylaw or other Federal or Provincial Legislation concerning Animals.
- (m) "Leash" means any material that is less than 2 meters in length capable of restraining the Dog on which it is being used.
- (n) "Livestock" means alpacas, bison, cattle, donkeys, goats, horses, llamas, mules, sheep, swine, pigeons, chickens, turkeys, goose, fowl or poultry of any kind unless such birds or poultry are part on any commercial undertaking which is established with the approval of Town Council.
- (o) "Muzzle" means a device of sufficient strength that when placed over a Dog's mouth to prevent it from Biting.
- (p) "Owner" means the Owner of a Dog and includes any person or group of people:
 - (i) named as Owner on a Dog License application;
 - (ii) in possession or control of a Dog; or
 - (iii) in possession or control of the property where a Dog appears to reside, either temporarily or permanently.
- (q) "Peace Officer" means:
 - (i) a member of the Royal Canadian Mounted Police,
 - (ii) a Peace Officer appointed under the Peace Officer Act,
 - (iii) a person appointed as a Bylaw Enforcement Officer.
 - (iv) a Pound keeper or their designate employed for the purpose of operating the Pound.
- (r) "Playground Equipment" means an area containing play equipment, play structure(s) and protective surfacing that is intended for the use of children.
- (s) "Posted Area" means an area posted by the Town with a sign which prohibits Dogs from being in that area.
- (t) "Pound" means the Regional Animal Pound established for the temporary holding of Impounded, captured, stray or other Dogs, Cats, and Animals.
- (u) "Recreation Areas" means any area within the Town that is owned, leased, or operated or managed by the Town and is intended for but not limited to the use of sporting events and only encompasses the area of the field intended for the activity.
- (v) "Running at Large" means a Dog which is off the premises of its Owner and is not on a Leash and under control of a competent person.
- (w) "Service Dog" means a service dog as defined in the Service Dog Act.
- (x) "Town" means the corporate entity of the Town of Wembley.

- (y) "Vicious Dog" means any Dog whatever its age, whether on public or private property, shows a propensity, disposition or potential to Attack without provocation or a Dog which has:
 - (i) chased, injured or Bitten any other Animal, Livestock or human,
 - (ii) damaged or destroyed any public or private property, or
 - (iii) threatened or created the reasonable apprehension of a threat to any other Animal, Livestock or human which presents a threat of serious harm to other Animal, Livestock or humans, or
 - (iv) has previously been determined to be a Vicious Dog by any other jurisdiction.

If a Peace Officer determines that a Dog is a Vicious Dog, either through personal observation or, on the basis of facts, determined after an investigation initiated by a complaint, the Officer may declare the Dog to be a Vicious Dog.

- (z) "Vicious Dog License" means a license issued by the Town for a Vicious Dog pursuant to Schedule "C" of this Bylaw.
- (aa) "Violation Ticket" means a violation ticket as defined in the Provincial Offences Procedure Act.
- (bb) "Voluntary Payment" means payment pursuant to Section 26 or 36 of the Provincial Offences Procedure Act.
- (cc) "Voluntary Penalty" means a penalty specified in this Bylaw for a contravention of a provision of this Bylaw which amount may be paid by a person to whom a voluntary payment summons was issued.

3. DOG LICENSING

- (a) No Owner shall keep any Dog over the age of six (6) months within the Town unless such Dog is licensed in accordance with this Bylaw.
- (b) The Owner applying for a Dog License must be at least eighteen (18) years of age.
- (c) The Owner shall ensure that the Dog wears the current Dog Tag issued for that Dog. The Dog Tag must be securely attached to the Dog.
- (d) A Dog License and a Dog Tag is specific to an individual Dog and may not be transferred to another Dog.
- (e) If a Dog Tag is lost, it is the responsibility of the Owner to notify the Town and obtain a new Dog Tag.
- (f) No person shall provide false information on the Dog/Vicious Dog License Application Schedule "B" and Schedule "C".

4. KEEPING OF DOGS

- (a) No Owner shall keep or allow to be kept more than two (2) Dogs that have reached six (6) months in age, on a parcel of land ten (10) acres or less in size.
- (b) An Owner desiring to keep more than two (2) Dogs may apply in writing to the Town to be considered for an exemption.

5. NUISANCES

EXCESSIVE BARKING

- (a) The Owner shall ensure their Dog does not bark in a manner that is reasonably likely to annoy or disturb the peace or the quality of life for others.
- (b) When a Peace Officer is determining whether Barking is reasonably likely to annoy or disturb the peace or the quality of life for others consideration may be given to, but is not limited to:
 - (i) proximity of the property where the Dog resides;
 - (ii) duration of the Barking;
 - (iii) time of day and day of the week;
 - (iv) nature and use of the surrounding area.

6. DEFECATION

- (a) The Owner shall forthwith remove any defecation left by the Dog on public or private property other than that of the Owner.
- (b) The Owner shall ensure that defecation left by the Dog on the property of the Owner does not accumulate to such an extent that it is reasonably likely to annoy any person by sight or smell.

7. RUNNING AT LARGE

- (a) No Owner shall permit a Dog to be Running at Large within the Town.
- (b) No Owner shall permit their Dog to be unattended and tied to any object when off the property of the Owner. Such Dog shall be deemed to be Running at Large.

8. MOTOR VEHICLES

- (a) No Owner shall permit, or allow any Dog to ride on the outside of a moving vehicle where the Dog is not secured in a manner that prevents the Dog from jumping or falling out.

9. PRIVATE PROPERTY

- (a) No Owner shall permit any Dog to trespass on private property whether on or off a Leash.

10. PLAYGROUNDS / POSTED AREAS

- (a) An Owner shall not permit a Dog to be on any school property play area, Playground or Posted Area.
- (b) An Owner shall not allow a Dog to be on any Recreation Areas.

11. SCATTERING GARBAGE

- (a) The Owner of a Dog shall ensure that it does not upset any waste receptacle or scatter garbage on public or private property not belonging to the Owner of the Dog.

12. THREATENING BEHAVIORS

- (a) The Owner of a Dog shall ensure that such Dog shall not:
 - (i) chase or Bite a person, Dog, Cat, Livestock, Animal, or any type of vehicle.
 - (ii) cause damage to property or Dogs, Cats, Livestock or Animals.
 - (iii) attack or threaten a person, Dog, Cat, Livestock, Fowl or Animal.
 - (iv) cause death to a Dog, Cat, Livestock, Fowl or Animal.
- (b) A Peace Officer, who believes an offence has been committed under subsection (a), may order Controlled Confinement of the Dog.
- (c) An Owner shall follow all conditions as stipulated in the Controlled Confinement order.
- (d) An owner shall not use or direct a Dog to Attack, chase, or threaten a person, Dog, Cat or Animal.

13. DOG IN HEAT

- (a) Notwithstanding subsection (b), an Owner of a Dog in heat shall, during the entire period that such Dog is in heat, keep such Dog confined in a manner as not to attract other Dogs.
- (b) Where a Dog in heat is confined such Dog shall be permitted out of confinement for the sole purpose of permitting such Dog to urinate or defecate.

14. ANIMAL CONTROL OPERATION – AUTHORITY

- (a) A Peace Officer may capture, trap, or impound any Dog found Running at Large.
- (b) A Peace Officer may enter onto any land in pursuit of a Dog which is Running at Large.
- (c) A Peace Officer, in any case where the Owner of a Dog can be identified through the Town's records, may return the Dog to its Owner where practicable instead of taking the Dog to the Pound.

- (d) A Peace Officer may use any humane method to capture a Dog. Should the Dog be hurt during capture or attempted capture, neither the Town nor the Peace Officer shall be held liable for such injury.
- (e) A Peace Officer may delegate his powers to any person for the purpose of assisting the Peace Officer in the capture of any Dog in contravention of this Bylaw. Any person delegated or assisting a Peace Officer shall not be held liable as per subsection (d).
- (f) A Peace Officer may seize any Dog that in the opinion of the Peace Officer poses a threat to the public. When the Dog is seized the Peace Officer may issue a Controlled Confinement order to the Owner of Dog as seen in Schedule "D" and Schedule "E".

15. OWNER IDENTIFICATION

- (a) An Owner of any Dog found in violation of any provisions of this Bylaw shall, on demand, produce or provide forthwith suitable identification to the Peace Officer.
- (b) For the purpose of this Bylaw, suitable identification shall mean any document or documents, or verbal communication, verifying the name, date of birth and current address of the Owner.

16. OBSTRUCTION

- (a) No person shall:
 - (i) interfere with or attempt to obstruct a Peace Officer who is attempting to capture or has captured a Dog which is subject to being Impounded or seized pursuant to the provisions of this Bylaw;
 - (ii) induce a Dog to enter a house or other place where it may be safe from capture or otherwise assist a Dog to escape capture;
 - (iii) unlock, unlatch or otherwise open the Peace Officer's vehicle to allow or to attempt to allow any Dog to escape.
 - (iv) tamper with, unlock, unlatch or otherwise open a kennel, humane live trap, or any other Animal control equipment.
 - (v) fail, without lawful excuse, to follow any direction under this Bylaw given by a Peace Officer.

17. NEGLIGENCE

- (a) No person shall:
 - (i) untie, loosen or otherwise free a Dog which has been tied or otherwise restrained, or
 - (ii) negligently or willfully open a gate, door or other opening in a fence or enclosure in which a Dog has been confined thereby allowing a Dog to Run at Large within the Town.

18. TRAPPING OF AN ANIMAL

- (a) A person who has humanely trapped a Dog, Cat or other Animal shall:
 - (i) take all reasonable precautions to keep any trapped Dog, Cat, or other Animal safe from harm, and
 - (ii) notify and surrender a trapped Dog, Cat or other Animal to a Peace Officer, or where applicable transport the trap and Dog, Cat or other Animal to the Regional Animal Pound for surrender.

19. TORMENT

- (a) No person shall tease, torment, annoy, or otherwise provoke a Dog.

20. VICIOUS DOGS

- (a) If a Peace Officer determines that a Dog is a Vicious Dog, he may:
 - (i) give the Owner a verbal and/or written order as seen in Schedule "F" that the Dog has been deemed to be a Vicious Dog, and
 - (ii) require the Owner to keep such Dog in accordance with the provisions of Section 21 of this Bylaw.
 - (iii) Under this Bylaw a Vicious Dog order continues to apply if the Vicious Dog is sold, given or transferred to a new owner.

21. VICIOUS DOG REQUIREMENTS

- (a) The Owner of a Vicious Dog shall within ten (10) days after the Dog has been declared a Vicious Dog obtain a Vicious Dog license from the Town.
- (b) The Owner of a Vicious Dog shall take all necessary steps to ensure that the Dog does not Bite, chase or Attack any person whether the person is on public or private property or in a dwelling house.
- (c) The Owner of a Vicious Dog shall take all necessary steps to ensure that the Dog does not Bite, chase or Attack any Dog, Cat or other Animal whether the Dog, Cat or Animal is on public or private property or in a dwelling house.
- (d) When a Vicious Dog is in the dwelling house of its Owner, it shall be restrained or kept confined in such a manner as to prevent the escape of the Dog and to secure the public from harm.
- (e) When a Vicious Dog is not in a dwelling house it must be confined in a locked pen with a secure bottom effectively attached to the sides, or the sides shall be embedded in the ground to a minimum depth of thirty (30) centimeters. The pen must be located at a point no closer than 1.5 meters to the apparent boundary of the property.
- (f) When a Vicious Dog is off the premises of the Owner, it shall be securely Muzzled, on a Leash and controlled by the Owner or a competent person capable of controlling the Dog at all times.

- (g) Owner of a Vicious Dog shall notify a Peace Officer immediately if the Dog is Running at Large.
- (h) When the Owner of a Vicious Dog produces a certificate indicating that the Dog has passed the Canine Good Neighbor's Test, as administered by a qualified instructor, the Town may grant an exemption for the Muzzling and secure pen requirements of this Section.

22. IMPOUNDMENT

- (a) A Dog, Cat, or other Animal that is impounded pursuant to this Bylaw may be taken to the Pound and held for a period of 5 calendar days. Statutory Holidays shall not be included in the computation of the 5 calendar days period.
- (b) A Dog, Cat or other Animal turned in to the Pound as a found or stray animal may be held for a period of 5 calendar days. And Statutory Holidays shall not be included in the computation of the 5 calendar days period.
- (c) A Dog, Cat or other Animal that is impounded or otherwise turned in to the Pound shall be subject to a mandatory reclaim fee plus additional daily boarding costs as determined by the Pound.
- (d) At the end of the Impoundment period, the Dog, Cat or other Animal shall become the property of the Town unless the Dog Owner complies with the following:
 - (i) fills out the required reclaim forms fully, and
 - (ii) pays the required reclaim fees, and
 - (iii) pays the required daily boarding cost fees.
- (e) If all legal requirements have not been met under this Bylaw, or other provincial or federal animal legislation, the Peace Officer will not be required to release the Dog, Cat or other Animal to the Owner and may continue to Impound the Dog, Cat, or other Animal for such further period of time as the Peace Officer deems necessary.
- (f) A Dog that is under a Controlled Confinement order pursuant to this Bylaw may be released back to the Owner on conclusion of the Peace Officers investigation provided all the requirements of this Bylaw have been met.
- (g) Reclaim and daily boarding cost fees may not be charged for a Controlled Confinement Dog.
- (h) If the Owner fails to reclaim a Dog that is under a Controlled Confinement order on the expiry of the 10 day period, or sooner under the direction of a Peace Officer, the Dog will revert to Impound status and the provisions of Section 22(a) will apply.

23. LIVESTOCK

- (a) No person shall keep livestock within the Town boundaries without the approval of Town Council.

24. FINES AND PENALTIES

- (a) Any person who contravenes the provisions of this Bylaw, or direction given by a Peace Officer pursuant to this Bylaw, is guilty of an offence and may be issued a Violation Ticket.
- (b) A person who is guilty of an offence pursuant to this Bylaw is liable upon summary conviction to a fine in an amount not less than one hundred dollars (\$100.00) and not exceeding ten thousand dollars (\$10,000.00).
- (c) A Provincial Court Judge, Commissioner or Justice, may in addition to the penalties provided in this Bylaw, direct or order the Owner of a Dog to prevent such Dog from doing mischief or causing a disturbance or a nuisance complained of or to have the Dog removed from the Town of Wembey or to have the Dog destroyed.
- (d) Providing no offence has reoccurred against an individual Dog within the previous twelve (12) months, an offence shall be considered to be a first offence unless it is in public interest pursuant to Section 27 of the Provincial Procedure Act.
- (e) The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule "A".

25. EXEMPTIONS

- (a) This Bylaw does not apply to a Service Dog or Assistance Dog while it is in active service.
- (b) Service Dog are exempt from Section 3 of this Bylaw.

26. SEVERABILITY

- (a) Each Section of this Bylaw shall be read and construed as being separate and severable from each other Section. Furthermore, should any Section or Part of this Bylaw be found to have been improperly enacted for any reason, then such Section or Part shall be regarded as being severable from the rest of the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.

27. RESCIND BYLAW

Bylaw 682 is hereby rescinded.

28. EFFECTIVE DATE

This Bylaw shall come into full force and effect on final passage thereof.

Read a first and second time and by unanimous consent of all Councillors present, a third and final reading and finally passed this 23rd day of May, A.D., 2017.

(SIGNED)

Mayor – Chris Turnmire

(SIGNED)

CAO – Lori Parker

SCHEDULE "A"**SPECIFIED PENALTIES**

Section	Offence (Description)	Specified Penalty		
		1 st offence	2 nd offence within 1 year	3 rd offence within 1 year
3(a)	Unlicensed dog	100.00	200.00	Court
3(c)	Dog not wearing dog tag	100.00	200.00	Court
3(f)	Provide false information on license application	200.00	300.00	Court
4(a)	Keep more than 2 dogs on land 10 acres or less	200.00	300.00	Court
5(a)	Dog barking disturbing the peace of any person	100.00	200.00	Court
6(a)	Fail to remove defecation forthwith	100.00	200.00	Court
6(b)	Fail to remove defecation from owners property	200.00	300.00	Court
7(a)	Allow dog to run at large	100.00	300.00	Court
7(b)	Unattended dog left tied while off the property of the owner	100.00	200.00	Court
8(a)	Unsecured dog on the outside of a vehicle	100.00	200.00	Court
9(a)	Allow dog to trespass on private property while on or off a leash	100.00	200.00	Court
10(a)	Allow dog to be on any school property, playground or other posted area	100.00	200.00	Court
10(b)	Allow dog on recreation area	100.00	200.00	Court
11(a)	Dog scatter garbage	200.00	300.00	Court
12(a)(i)	Chase or bite a person, dog, cat, animal or any vehicle	300.00	500.00	Court
12(a)(ii)	Cause damage to property, dog, cat or other animal	300.00	500.00	Court
12(a)(iii)	Dog attack or threaten	200.00	400.00	Court
12(a)(iv)	Dog cause death to dog, cat, fowl or animal	500.00	1,000.00	Court
12(c)	Owner fail to comply with controlled confinement order	500.00	1,000.00	Court
12(d)	An owner shall not use or direct a dog to attack, chase, or threaten a person, dog, or animal	500.00	1,000.00	Court
13(a)	Fail to keep a female dog confined while in heat	100.00	200.00	Court
15(a)	Fail to produce suitable identification	200.00	400.00	Court
16(a)(i)	Interfere or obstruct a Peace Officer who is attempting to capture a dog	500.00	1,000.00	Court
16(a)(ii)	Induce the dog to enter a house or other place to avoid capture or to allow a dog to escape	500.00	1,000.00	Court
16(a)(iii)	Unlock or unlatch Peace Officer's vehicle	500.00	1,000.00	Court
16(a)(iv)	Tamper with, unlock, unlatch or otherwise open a kennel, humane live trap, or any other animal control equipment	500.00	1,000.00	Court

16(a)(v)	Fail to comply with direction given by Peace Officer	500.00	1,000.00	Court
17(a)(i)	Untie, loosen, or otherwise free a dog that has been tied/restrained	100.00	200.00	Court
17(a)(ii)	Open a gate, door or other opening in a fence or enclosure	100.00	200.00	Court
18(a)(i)	Failure to keep trapped animal safe from harm	250.00	Court	Court
18(a)(ii)	Failure to notify or surrender a trapped dog, cat or other animal to a Peace Officer	250.00	500.00	Court
18(a)(iii)	Shall abide by the terms and conditions of the animal trap agreement	250.00	500.00	Court
19(a)	Tease/torment/annoy/provoke a dog	200.00	400.00	Court
21(a)	Fail to obtain vicious dog license	500.00	1,000.00	Court
21(b)	Vicious dog bite/chase/attack a person	1,500.00	Court	Court
21(c)	Vicious dog bite/chase/attack a dog/cat/animal	500.00	1,000.00	Court
21(d)	Fail to keep vicious dog confined in dwelling	500.00	1,000.00	Court
21(e)	Fail to keep vicious dog confined when not in dwelling house	500.00	1,000.00	Court
21(f)	Fail to keep a vicious dog muzzled or leashed properly	500.00	1,000.00	Court
21(g)	Owner of a vicious dog shall notify the Peace Officer immediately if the dog is running at large	500.00	1,000.00	Court
	Section not specified- any other section to which a fine has not been specified	100.00		

ATTACHMENTS:

Schedule "A" – Specified Penalties

Schedule "B" – Dog License Application Form

Schedule "C" – Vicious Dog Licence Application Form

Schedule "D" – Controlled Confinement Order

Schedule "E" – Home Controlled Confinement Order

Schedule "F" – Vicious Dog Order