

# BYLAW 630-2003

## “Animal Control Bylaw”

### A BYLAW OF THE TOWN OF FOX CREEK, IN THE PROVINCE OF ALBERTA, TO LICENSE AND CONTROL DOGS AND OTHER ANIMALS WITHIN THE TOWN OF FOX CREEK

WHEREAS, the Council deems it necessary to regulate and provide for the licensing of dogs, and to provide for the confinements of certain animals within the Town, and to regulate and control other animals; and

WHEREAS, Section 7 of the Municipal Government Act, R.S.A. 2000 Chapter M-26 as amended or replaced, for the Province of Alberta, gives the Council the authority to pass such a bylaw;

NOW THEREFORE, the Council of the Town of Fox Creek in the Province of Alberta duly assembled, hereby enacts as follows:

#### SECTION 1 – TITLE AND DEFINITIONS

1.1 Title: This Bylaw may be cited as the "Animal Control Bylaw"

1.2 Definitions: In this Bylaw, unless the context otherwise requires:

1.2.1 "Animal" means any living domesticated organism, other than a human, having sensation and the power of voluntary movement and requiring oxygen and organic food for existence.

1.2.2 "At Large" means the animal is off the premises of the owner or person harboring the animal, and not on a leash held by a person able to control the animal.

1.2.3 "Cat" means any male or female member of the feline family.

1.2.4 "Communicable Disease" means a disease that affects animals and may be transmitted to other animals and/or human beings.

1.2.5 "Collar" means a band of metal or material, which is of suitable size and strength that may be humanely placed around the neck of an animal.

1.2.6 "Council" means the Council of the Town of Fox Creek.

1.2.7 "Dangerous Dog" means any dog at any age or sex which:

1.2.7.a shows a propensity, disposition or potential to attack or injure, without provocation, humans or other animals; or

1.2.7.b without provocation, chases humans or other animals; or

1.2.7.c is a continuing threat of serious harm to humans or other animals; or

1.2.7.d without provocation, has attacked humans or other animals; and/or

1.2.7.e that a Peace Officer determines on reasonable grounds to be a dangerous dog, either through personal observation or on the basis of facts determined after an investigation initiated by a complaint.

1.2.8 "Dog" means either a male or female member of the canine family.

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- 1.2.9 "Feral" means an animal, which, in the opinion of a registered veterinarian, is wild in nature and shows no signs of domestication.
- 1.2.10 "Harness" means straps and fittings that are of suitable size and strength that may be humanely attached to the chest and back of an animal.
- 1.2.11 "Identification" means a functioning and/or clearly readable:
- 1.2.11.a microchip; or
  - 1.2.11.b license tag; or
  - 1.2.11.c vaccination tag; or
  - 1.2.11.d tattoo; or
  - 1.2.11.e personal tag; or
  - 1.2.11.f brand;
- which is found on an animal and can be traced to current ownership information.
- 1.2.12 "Kennel" means any person, group of persons, firm or corporation that is an approved and currently licensed establishment, which is engaged in the business or recreation of breeding and/or boarding and/or selling of dogs.
- 1.2.13 "Leash" means a tether no longer than six (6) feet and of suitable strength that may be humanely attached to the collar or harness of an animal, in order that the animal's actions be controlled.
- 1.2.14 "License and/or Tag" shall mean the current object on which is imprinted the tag number, the license year and the Town's name.
- 1.2.15 "Livestock" means such animal that has been domesticated for agricultural use or pets including but not limited to; horse(s), cattle, chicken, sheep, swine, goat(s), mule(s) or ass, or any other hooved animal, as well as fowls, including chicken, pigeons, ducks and turkeys, but shall not include dogs or cats.
- 1.2.16 "Microchip" means an encoded electronic device implanted in an animal by or under the supervision of a registered veterinarian, which contains a unique code number that provides owner information and is stored in a central database.
- 1.2.17 "Muzzle" means a humane fastening or covering device of adequate strength placed over the mouth of an animal to prevent it from biting.
- 1.2.18 "Owner" means any person, partnership, association or corporation owning, possessing, having charge of, or care and control, over any animal; or harboring any animal; or suffering or permitting any animal to remain about the Owner's house or premises. For purposes of this Bylaw, an animal may have only one (1) owner.
- 1.2.19 "Parkland" means all recreational land areas owned or controlled by the Town, lying within the Town limits, and whether improved in whole or in part, or in its natural state, and includes areas administered by the Town's Parks and Facilities Department and includes buildings or other improvements situated on these land areas.

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- 1.2.20 "Peace Officer" means a Bylaw Officer, Animal Control Officer or Special Constable for the Town, a member of the Royal Canadian Mounted Police (RCMP), or a police officer as defined under the Police Act, or any other officer as designated by Town Council. Can also be used to define a Public Works employee assigned to specific duties related to animal control.
- 1.2.21 "Residential District" means a designated residential district as per Fox Creek Land Use Bylaw.
- 1.2.22 "Tattoo" means a permanent visible marking on the skin of an animal created by or under the supervision of a registered veterinarian, which contains a unique code of letters and/or numbers that provide owner information recorded by a registered veterinarian and/or the Alberta Veterinarian's Medical Association and its national affiliates.
- 1.2.23 "Town" means the Town of Fox Creek.
- 1.2.24 "Town Animal Shelter" or "Pound" means the premises designated by the Town for the purpose of impounding and caring for animals seized and/or regulated under this Bylaw.
- 1.2.25 "Town Manager" means the Town Manager for the Town of Fox Creek.
- 1.2.26 "Registered Veterinarian" means a registered veterinarian as defined in the *Veterinary Profession Act*.
- 1.2.27 "SPCA" means the Alberta Society for the Prevention of Cruelty to Animals.
- 1.2.28 "Violation Ticket" shall mean a document in a format as prescribed from time to time by the **Provincial Offences Procedure Act - RSA 2000 Chapter P-34**.
- 1.2.29 "Violation Tag" means a Municipal violation notice or tag, allowing for a voluntary payment of a specified penalty to be paid 'Out of Court' to the Town in lieu of appearing in answer to a summons.

## SECTION 2 – LICENSING

- 2.1 No person shall own, keep or harbour any dog within the Town limits unless such dog is properly licensed.
- 2.2 The owner of every dog over the age of six (6) months in the Town shall obtain a license tag and pay a license fee as set out in Schedule "A", attached to and forming part of this Bylaw, as amended from time to time.
- 2.3 License tags are issued annually and must be renewed prior to January 30 of each calendar year. An animal with an expired License tag shall be deemed to be not licensed.
- 2.4 To be eligible for the reduced rate for spayed or neutered dogs, the owner must provide written proof from the veterinary facility who performed the procedure, or, alternatively, the owner may supply a statutory declaration declaring that the animal is spayed or neutered.
- 2.5 Every person who becomes the owner of a dog over the age of six (6) months or takes up residence within the Town and who is the owner of the dog which is over the age of six (6) months and which is not currently licensed in accordance with this Bylaw, shall license the same and pay the license fee, within one (1)

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month after becoming owner of the said dog; or taking up residence within the Town.

- 2.6 In the prosecution or proceedings for a contravention of this Bylaw, the burden of proof relating to the age of the dog shall be upon the owner and unless the contrary is proven, the dog shall be presumed to have attained the minimum age of six (6) months at the time of the charge.
- 2.7 Licenses issued under this Bylaw shall not be transferable from one animal to another or from one owner to another unless prior written approval is received from the Town Administration Office.
- 2.8 Upon payment of the required license fee, the owner will be supplied with a license tag stamped with a number and the year the license is effective for.
- 2.9 Any person who provides the Town or a Peace Officer with information required pursuant to this Bylaw, which is false or misleading is guilty of an offense.
- 2.10 A Peace Officer may revoke a License if:
  - 2.10.1 the applicant fails to comply with any condition of the License; or
  - 2.10.2 the License was issued on the basis of incorrect information or a misrepresentation by the applicant; or
  - 2.10.3 the License was issued in error; or
  - 2.10.4 the Owner breaches a provision of this Bylaw; or
  - 2.10.5 a Registered Veterinarian certifies that the Animal is a health risk.
- 2.11 If the license application is rejected, or a License that has been issued is subsequently revoked or cancelled, the Owner shall remove the animal from the Town immediately, or turn the animal over to the Peace Officer for disposition under this Bylaw, within forty-eight (48) hours of being given written notice that the License application has been rejected or the License has been revoked or cancelled.
- 2.12 If said license tag is lost or stolen, a replacement tag can be purchased by the owner upon making payment of the fee set out in current Schedule "A" attached to and forming part of this Bylaw.
- 2.13 If said license tag is not associated with current ownership and/or animal information, the license tag shall be deemed invalid.
- 2.14 No person shall be entitled to a license rebate or refund under any provision of this Bylaw.
- 2.15 Every owner shall provide a suitable collar or harness and ensure that the license tag is securely fastened to a collar or harness, which must be worn by the dog at all times, when off the owners property. *Note: License tags may be removed from the dog during grooming or other situations while on the owners property.*
- 2.16 Dog owners shall provide the Town with the following information with each application for a dog license:
  - 2.16.1 Name, mailing address, street address and telephone contact number(s) of owner; and

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- 2.16.2 Name, approximate or explicit detail of breed; and
- 2.16.3 Description of dog to be licensed; and
- 2.16.4 Such other information as required with respect to the application.
- 2.17 The Town Administration Office shall keep a record of all dog licenses pursuant to Part II, Section 2.16 of this Bylaw.
- 2.18 Every owner shall notify the Town of his/her change of address within fifteen (15) days of the change of residency.
- 2.19 Notwithstanding Section 2.20 of this Bylaw, no person shall keep or harbor more than three (3) dogs of whatever sex, whether licensed or not and aged six (6) months or more, at one and the same time, in any house, shelter, room or place within the Town.
- 2.20 Within limits of the Town, Section 2.19 of this Bylaw shall not apply to:
  - 2.20.1 any premises lawfully used for the care and treatment of dogs operated by and in charge of a registered veterinarian; or
  - 2.20.2 any premises that may be temporarily used for the purpose of a dog show; or
  - 2.20.3 an organization that is offering a recognized training or obedience class for dogs; or
  - 2.20.4 any person in possession of a valid business license to operate a "Pet Store", " Animal Grooming Parlor", "Dog Kennel" as long as said person adheres to said business license conditions; or
  - 2.20.5 dogs accompanying persons temporarily in the Town on business or vacation for a period not exceeding fourteen (14) days, or such longer periods as may be authorized by written permission from the Town.
- 2.21 No person shall operate a dog kennel in any residential district in the Town.

**SECTION 3 – DANGEROUS DOGS**

- 3.1 The Town will NOT Permit or License a Dangerous Dog within the community.
- 3.2 If a dog is designated as a Dangerous Dog, as defined under this Bylaw, and existing Licenses shall be revoked, and the Owner shall remove the Dangerous Dog from the community as per Section 2.11.

**SECTION 4 – RESPONSIBILITIES OF OWNERS**

- 4.1 This section shall apply to all animals except where explicitly referring to certain animals.
- 4.2 No owner shall suffer, permit, or allow for any reason his/her dog or other domesticated animal to be at large within the Town of Fox Creek.
- 4.3 A female dog in heat shall be confined within the owners, or taken to a licensed kennel during the entire period that the dog is in heat; except that a female dog on a leash may be allowed outside the said residence for the sole purpose of permitting the dog to defecate and/or urinate on the premises of the owner.

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- 4.4 Each dog owner or person in care or control of a dog that is off the owner's property must be equipped with a suitable bag, 'scooper' or other means of completely removing the dog's defecation. Disposal of such feces must be contained in a suitable container, and must be disposed of in a sanitary manner.
- 4.5 Residences or grounds where any animals are kept shall at all times be maintained in a clean, sanitary and inoffensive condition, to the satisfaction of a Peace Officer.
- 4.6 An owner of a registered guide dog, or a person being assisted by a registered guide dog is not subject to the obligations imposed in Section 4.4 of this Bylaw.
- 4.7 No owner shall suffer, permit, allow or for any reason have his/her dog or other animal to bark or howl excessively or in any other manner consistently and grievously disturb the quiet of any person. The onus is on the complainant to show that the animal in question is the source of the disturbance. (See Schedule "C" for procedure for Registering Complaint, etc.)
- 4.8 No owner shall permit his/her animal to damage public or private property. The owner of the animal retains the responsibility to repair any such damage caused by their animal, and at their own cost. If the animal owner does not complete his/her duties under this Section, the property owner may seek redress through legal action.
- 4.9 No owner shall suffer, permit, allow or for any reason have his/her animal without provocation, cause injury by chasing, biting or attacking a person or other animal.
- 4.10 No owner shall permit his/her animal, other than a leashed dog, to be on parkland areas.
- 4.11 Section 4.10 does not apply when the animal is in a bona fide show, contest or other event at a place and time approved by the Town Council.

### **SECTION 5 – OTHER CONTRAVENTIONS**

- 5.1 No person shall have or harbor:
  - 5.1.1 any livestock; or
  - 5.1.2 any poisonous snakes, poisonous reptiles, or poisonous insects; or
  - 5.1.3 any animal or species, including the above, deemed dangerous or objectionable in the opinion of the Development Officer, the Superintendent of Public Works, or a Peace Officer,of whatever sex in any public or private property including in any house, shelter, room or place within the Town.
- 5.2 No person shall negligently or willfully open any gate, door or other opening in a fence, enclosure or otherwise release an animal which has been confined, thereby allowing said animal to run at large in Town.
- 5.3 No person shall tease, torment, annoy or harm any dog, cat or domestic animal.

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- 5.4 Every owner of an animal shall provide sufficient food, water, care and medical attention when required, and shelter including protection from the atmospheric elements such as the sun, snow, rain, hail, wind, cold or hot temperatures, or any other atmospheric or environmental condition which could reasonably be expected to cause an adverse effect on the animal.
- 5.5 Any alleged abuse, cruelty or neglect of an animal must be reported by a resident or a Peace Officer, in accordance with SPCA reporting procedures, to the Alberta SPCA. Any penalties assessed by the SPCA shall be in addition to any penalties or fines noted on Schedule "B" attached to and forming part of this Bylaw.
- 5.6 No person shall in any manner hinder or obstruct a Peace Officer in the performance of his/her duties under this Bylaw.
- 5.7 The owner of an animal that is inside or on a vehicle while moving or parked must ensure that:
- 5.7.1 the animal is secured so that it is unable to fall out or vacate the vehicle; and
  - 5.7.2 the animal is secured so that it is unable to reach any of the sides or rear of the vehicle, and therefore prevent the animal from disturbing people or animals when walking by.

#### **SECTION 6 – IMPOUNDMENT AND DISPOSITION**

- 6.1 A Peace Officer may seize and capture any animal(s) found running at large or running loose, and may impound said animal(s) in the Town Animal Shelter.
- 6.2 Any person who has a complaint about a cat running at large or causing damage to his/her property, may obtain a Cat Trap from a Peace Officer in charge of such traps, for a fee as set out in Schedule "A". Any person who has a Cat Trap must check the trap regularly and report the capture of such cat upon seeing that it is trapped. A Peace Officer will attend the property and remove the animal for placement in the Town Animal Shelter.
- 6.3 A Peace Officer may enter any private or public land, vehicle or place, other than a dwelling house without warrant, if necessary, for the purposes of carrying out his/her duties under this Bylaw.
- 6.4 To assist in the seizure or capture of animal(s) running at large or loose, a Peace Officer may utilize live traps, catch poles, snappy snares and/or any other equipment as recommended by the Alberta Veterinarian's Medical Association. Said equipment shall be used in a humane manner.
- 6.5 An animal impounded under Section 6.1 shall be kept in the Town Animal Shelter for a period of at least three (3) days excluding Saturdays, Sundays and Statutory Holidays. During this period, any healthy animal may be redeemed by its owner, or agent of the owner, upon full payment of:
- 6.5.1 the appropriate license fee, when a dog is not currently licensed; and,
  - 6.5.2 the boarding fee; and,
  - 6.5.3 any associated medical costs that may have been required; and
  - 6.5.4 the transportation fee if applicable;

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- 6.5.5 the Voluntary Penalty or Specified Penalty for any outstanding offences under this Bylaw;
  - 6.5.6 The cost of any veterinary treatment required to treat any Animal that is found to be injured when picked up or injured in the process of capture; or
  - 6.5.7 If the owner does not wish to pay any outstanding penalty for offences under this Bylaw, a ticket issued under Part 2 of the **Provincial Offences Procedure Act - RSA 2000 Chapter P-34** will be served on the Owner prior to the release of the Animal.
  - 6.5.8 However, if no License is issued for the Animal or all the conditions of the License have not been met, the Animal Control Officer is not obliged to release the Animal to the Owner; and
  - 6.5.9 All fees in accordance with Schedule "A" and Schedule "B" attached to and forming part of this Bylaw and as amended by Council from time to time.
- 6.6 A Peace Officer who takes custody of an animal pursuant to Section 6.1 shall take all reasonable steps to:
- 6.6.1 ensure the animal is provided with adequate food, water, care, shelter and veterinarian treatment if necessary, and
  - 6.6.2 report any apparent illness, communicable disease, injury, or other unhealthy condition of any animal in custody, to a registered veterinarian, and act upon a registered veterinarian's recommendation in regards to that condition.
  - 6.6.3 make every reasonable effort to locate the owner of the animal, including a search of the animal's functioning and clearly readable microchip, license tag, vaccination tag, tattoo, personal identification tag, or brand. The Peace Officer shall notify the owner of the actions taken in respect to the animal.

In addition, Public Works employees acting in the capacity of Peace Officers under the provisions of this bylaw shall be responsible for the following:

- 6.6.4 Participating staff shall commit to weekly schedules wherein they shall be responsible to respond to complaints of animals running at large during normal working hours, evenings and weekends.
- 6.6.5 Participating staff shall feed and water the animals and assure that proper bedding is supplied, and the kennel is maintained in a clean and proper manner.
- 6.6.6 Participating staff shall meet members of the public at the Pound for release of animals to their owners. If such release is handled on weekends, it shall be the responsibility of the staff member to secure applicable fees and fines.
- 6.6.7 Participating staff shall ensure that the animals are fed and watered on the weekends if required.
- 6.6.8 Transfer of animals to veterinary clinics for either treatment or euthanasia shall be done using Town-owned vehicles during normal working hours.



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- 6.6.9 The Town shall supply the employee with a vehicle for after-hours or weekend impoundment of animals.
- 6.6.10 Participating staff shall be required to turn in an "animal log" which shall be submitted to the Payroll Clerk. The log shall indicate the date of impoundment, description of animal, tag number, owner and date of release. Payment shall not be issued to the employee without said log duly filled out.
- 6.6.11 Participating staff are advised to contact an RCMP member to deal with a dangerous dog or other vicious animal.
- 6.6.12 Participating staff shall be compensated as per the Personnel Policy as amended from time to time.
- 6.7 At the expiration of the three (3) days of custody, excluding Saturday, Sunday and Statutory Holidays, any animal not claimed shall become the property of the Town and may be humanely euthanized or adopted to a person other than the owner, as directed by a Peace Officer. If the animal owner is known, and they neglect to claim their animal, pound fees and euthanasia fees shall be charged and invoiced to that owner.
- 6.8 Written permission from a Peace Officer shall be required for either the adoption or euthanasia of any unclaimed animal following the prescribed three (3) day period as described in Section 6.6.
- 6.9 A Peace Officer shall be responsible for the euthanization of any impounded animal. This responsibility may be delegated at the discretion of the Officer. Any such action pursuant to this Bylaw shall be done in a humane manner and completed by or under the supervision of a registered veterinarian.
- 6.10 Any person who adopts said animal shall obtain full rights and title of said animal, and the right and the title of the former owner shall cease forthwith. No fines shall be required of the new owner regarding the current impoundment, but the new owner shall ensure that the license fees are paid in full and the animal wears its applicable license tag, if required, at all times.
- 6.11 If, in the judgment of a registered veterinarian, an animal that has been caught or impounded by a Peace Officer:
  - 6.11.1 should be euthanized for humane reasons; or
  - 6.11.2 is feral and without any form of identification as defined in this Bylaw, said animal shall be humanely euthanized by a registered veterinarian.
- 6.12 No action, civil or otherwise, lies against any Peace Officer, registered veterinarian, Town Council or Town Staff, or any person acting in good faith and under authority afforded under this Bylaw.

**SECTION 7 – DISEASE CONTROL**

- 7.1 In the event of an outbreak, or threatened outbreak of a communicable disease affecting animals, which may be transmitted to human beings or between animals, Council may by resolution, order and direct that all animals be confined entirely to the owner's premises.

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- 7.2 When an animal under quarantine has been diagnosed as rabid or suspected by a registered veterinarian as being affected by a communicable disease and dies while under observation, a Peace Officer shall immediately send the complete body of such animal to the appropriate health department for pathological examination and shall notify the Medical Officer of Health for the Town of reports of human contact, and the diagnosis made of suspected animal.
- 7.3 During such period of a communicable disease quarantine as herein mentioned, every animal bitten by an animal adjudged to be affected by said disease, shall forthwith be humanely euthanized, or at the owner's expense and option shall be treated for the disease infection by a registered veterinarian or held under quarantine by the owner in the same manner as other animals are in quarantine.
- 7.4 Except as herein provided, no person shall kill, or cause to be killed, any animal suspected of being exposed to a communicable disease or any animal which has bitten a human, nor remove the same from the Town limits without written permission from a Peace Officer.
- 7.5 The carcass of any dead animal exposed to a communicable disease shall upon demand, be surrendered to a Peace Officer.
- 7.6 A Peace Officer shall direct the disposition of any animal found to be infected with a communicable disease.

**SECTION 8 - OFF-LEASH AREAS FOR DOGS**

- 8.1 The Town maintains NO designated Off-Leash Areas.

**SECTION 9 – PENALTIES AND ENFORCEMENT**

- 9.1 Any person violating a provision of this Bylaw is liable to the specified penalty set out in Schedule "B" attached to and forming part of this Bylaw.
- 9.2 It is the intention of the Council that each separate provision of this Bylaw shall be deemed independent of all other provisions, and it is further the intention of the Council that if any provisions of this Bylaw be declared invalid, all other provisions shall remain valid and enforceable.
- 9.3 A Peace Officer is hereby authorized to issue a Municipal Violation Tag or a Violation Ticket with a specified penalty pursuant to the **Provincial Offences Procedure Act - RSA 2000 Chapter P-34**, as amended, and regulations thereunder, for any contravention made under this Bylaw.
- 9.4 Nothing in this Bylaw shall prevent a Peace Officer from immediately citing a warning ticket or issuing a violation ticket for the mandatory Court appearance of any person who contravenes any provision of this Bylaw.
- 9.5 Service of any notice, warning ticket, violation ticket, violation tag, or other legal documents by a Peace Officer shall be sufficient if it is:
- 9.5.1 personally served upon the person charged; or
  - 9.5.2 served by ordinary mail; or
  - 9.5.3 left for the person charged at his/her place of abode with an occupant thereof who appears to be at least 18 years of age or over.

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**SECTION 10 - EFFECTIVE DATE AND REPEAL**

- 10.1 Upon third and final reading of this Bylaw, All Animal Control Bylaws including Bylaws numbered 186-76, 189-76, 432-93, 220-79, 311-85, 326-87, and 382-91, are hereby repealed.
- 10.2 This Bylaw shall come into force upon the third and final reading thereof.

FIRST READING of Bylaw 630-2003 granted this 22<sup>nd</sup> day of December, 2003 by Councilor Kirk Holtet.

SECOND READING of Bylaw 630-2003 granted this 7<sup>th</sup> day of June, 2004 by Councilor Brenda English.

THIRD AND FINAL READING of Bylaw 630-2003 granted this 19<sup>th</sup> day of July, 2004 by Councilor Brenda English.

\_\_\_\_\_  
Mayor Bernie Hornby

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Acting Town Manager



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**TOWN OF FOX CREEK**

**SCHEDULE "B"**  
**VOLUNTARY AND SPECIFIED PENALTIES**

<b>SECTION 2 - LICENSING</b>		<b>PENALTY</b>
Section 2.1	Fail to obtain valid dog license .....	\$50.00
Section 2.2	Fail to obtain valid dog license .....	\$50.00
Section 2.7	Using invalid tags.....	\$50.00
Section 2.9	Providing false information .....	\$50.00
Section 2.11	Fail to surrender banned or revoked animal* .....	\$250.00
Section 2.13	Fail to maintain current license information..... <i>(Same as Section 2.7)</i>	
Section 2.15	Fail to ensure license tag is worn on animal*.....	\$40.00
Section 2.18	Fail to notify Town of change of address & ph. #.....	\$40.00
Section 2.19	Keep more than three (3) dogs* .....	\$100.00
Section 2.21	Operate kennel in residential district* .....	\$250.00

**SECTION 4 - RESPONSIBILITIES OF OWNER PENALTY**

Section 4.2	Allow animal to run at large* .....	\$50.00
Section 4.3	Fail to confine female dog in heat.....	\$50.00
Section 4.4	Fail to carry a suitable means of removing animal defecation .....	\$25.00
Section 4.5	Fail to keep residence/grounds clean/sanitary/inoffensive* .....	\$100.00
Section 4.7	Allow dog to bark or to howl excessively or otherwise disturb quiet First Offense .....	<i>(Notice Letter)</i> \$0.00
	Second Offense .....	\$50.00
	Third Offense .....	\$75.00
	Fourth and Subsequent Offense .....	\$100.00
Section 4.8	Allow animal to damage public/private property .....	\$250.00 <i>(Plus Damages)</i>
Section 4.9	Allow animal to chase/bite/attack a person or another animal* .....	\$250.00
Section 4.10	Permit restricted animal to be on Parkland .....	\$100.00

**SECTION 5 - OTHER CONTRAVENTIONS PENALTY**

Section 5.1	Have livestock, a poisonous snake, poisonous reptile, or poisonous insect, an animal deemed dangerous or objectionable.....	\$100.00
Section 5.2	Release animal from confined area, allowing to run loose* .....	\$50.00
Section 5.3	Tease/torment/annoy/harm a dog/cat/domestic animal .....	\$100.00
Section 5.4	Fail to provide sufficient food/water/shelter/ care/medical attention to an animal* .....	\$500.00
Section 5.6	Hinder or obstruct a Peace Officer* .....	\$500.00
Section 5.7	Fail to secure animal in or on vehicle to prevent falling or vacating .....	\$200.00

**SECTION 7 - DISEASE CONTROL** **PENALTY**

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Section 7      Any contraventions under this Section ..... \$200.00

*Note (\*)      Second and subsequent offences occurring within six (6) months of first offence shall be liable to double the specified penalty amount listed.      Upon the fourth offense, the Town shall automatically refer to the Courts.*

## TOWN OF FOX CREEK

### SCHEDULE "C" PROCEDURE TO REGISTER COMPLAINT ABOUT NOISY ANIMAL

#### GUIDELINES FOR HANDLING ANIMAL COMPLAINTS

1. Anonymous complaints are not recorded nor circulated.
1. The Town will record all pertinent information at the time of the **first** call.
2. Use current Office Complaint Form:
  - i. Name
  - ii. Telephone Number
  - iii. Address (both civic and mailing)
  - iv. Name and address (if known) of the person(s) they are complaining about (if applicable)

NOTE: Advise complainant that their personal information is NOT released to the party they are complaining about (exception: Public Works). In the event that the complaint results in legal action, the complainant will be expected to appear or have their name be visible in any legal proceedings.
3. If there is any immediate danger or threat, encourage the complainant to call RCMP or other applicable emergency support. If necessary, make that call for them, but NOT before gaining all the information from (1) (2) and (3) above.

#### Dog Complaints:

Using guidelines from (1) to (4) above, also determine:

- a. Breed or general description of dog
- b. Complaint type (IE: noise, smell, mess, viciousness, attacks, dog running loose or at large.)
- c. Address or vicinity of the dog, or owner's name and address (if known)
- d. Any identifying marks, tags etc.

If dog is at large, use above guidelines plus:

- e. Call Public Works on radio or telephone and arrange to pick up the dog.
- f. When Public Works returns the call, get any additional information they have about the dog.
- g. Record the dog pound record.
- h. Search the database for the owner match.
- i. Contact the Registered Owner, if possible.
- j. Collect any fines (and tag amount if needed) and
- k. Issue receipt for the owner to retrieve their dog.

#### Vicious Animals Complaints:

As per Section 4, if public safety is a concern or there is an immediate danger, encourage complainant to call RCMP (via 911).

#### Procedure for Handling Dog Complaint:

1. If a complaint is received about a dog.
  - A. First, search the Complaint Database for any previous complaints.



Bylaw 630-2003 - Animal Control Bylaw

- B. If NO previous complaint has been received about this dog in the previous 24 months, issue a standard Warning Letter to the Owner, if known. *(See sample Warning Letter - Exhibit A)*
- C. If previous complaints have been received about this dog, refer to the Fine Schedule and issue a Violation Tag, or arrange for a Peace Officer to issue a Municipal Summary Conviction ticket as the situation requires.

*NOTE: Schedule "B" provides for increased fines for repeat offenders.*

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*Sample Warning Letter on Letterhead  
Exhibit A*

Mr/Mrs/Ms Owner  
P.O. Box xxx  
Fox Creek, Alberta  
T0H 1P0

(Date)

Without Prejudice

Dear Mr/Mrs/Ms Owner:

**Re: Dog Complaint - First Warning Letter**

Please be advised that the Town of Fox Creek has received complaint(s) regarding your dog(s) (brief summary regarding nature of complaint, IE: constant barking).

This letter is a remind you that it is the Owners responsibility to (explain details of responsibility, citing the appropriate Section of the Bylaw, IE: For barking/howling complaint, the following clause would be added ...

*control the barking of your dog so as not to disturb your neighbours. The appropriate Section of Bylaw 630-2003 reads as follows:*

*"4.7 No owner shall suffer, permit, allow or for any reason have his/her dog or other animal to bark or howl excessively or in any other manner consistently and grievously disturb the quiet of any person. The onus is on the complainant to show that the animal in question is the source of the disturbance. (See Schedule "C" for procedure for Registering Complaint, etc.).*

Under the Town of Fox Creek Animal Control Bylaw 630-2003, Section 9 provides for penalties for anyone violating the Bylaw provisions. In this instance, fines can range from (*Enter the fine amount(s), IE: \$50 to \$100.*)

As this is your First Warning, NO FINE shall be issued. If further Complaints are received, however, the Town will have no recourse but to impose fines.

For your reference, a copy of the Animal Control Bylaw is available at the Town Office or on the municipal web-site located at [www.town.fox-creek.ab.ca](http://www.town.fox-creek.ab.ca). Thank you for your immediate attention to this matter. Should you have any further questions, please feel free to contact the Town Office.

Sincerely,

(Administration Clerks Name)  
Town of Fox Creek