

## TOWN OF CORONATION

### BYLAW 2017-654 ANIMAL CONTROL BYLAW

**Whereas**, pursuant to section 7(a) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and

**Whereas**, pursuant to section 7(h) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting wild and domestic animals and activities in relation to them; and

**Whereas**, pursuant to section 7(i) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the *Municipal Government Act* or any other enactment including any or all of the matters listed therein; and

**Whereas**, pursuant to section 8 of the *Municipal Government Act*, a council may in a bylaw:

- (a) Regulate or prohibit; and
- (b) Provide for a system of licenses, permits or approval, including any or all of the matters listed therein.

**Therefore**, Coronation Town Council enacts as follows:

#### PURPOSE, DEFINITIONS AND INTERPRETATION

##### PURPOSE

- 1) The purpose of this Bylaw is to establish a system of licensing and regulation with respect to animals within the Town.

##### DEFINITIONS

- 2) In this Bylaw, unless the context otherwise requires:
  - a) **“Animal”** means any bird, reptile, amphibian or mammal, excluding humans and wildlife;
  - b) **“Appeal Committee”** means the committee established pursuant to section 63 of this Bylaw.
  - c) **“Cat”** means any domesticated cat;
  - d) **“Contractor”** means a person or agency under contract with the Town to accept and retain animals that have been seized and impounded on behalf of the Town by a Peace Officer.
  - e) **“Dog”** means any domesticated dog other than a Nuisance Dog or a Restricted Dog;
  - f) **“Justice”** has the meaning as defined in the Provincial Offences and Procedure Act, RSA 2000, c. P-34 and amendments thereto;
  - g) **“Large Animal”** means any animal, other than a human being, Dog, Nuisance Dog, Restricted Dog or Cat, which in the adult form regularly weighs more than 10 kg.; including, but not limited to: cows, horses, goats, sheep, pigs, llamas, alpacas and donkeys.
  - h) **“License”** means a license issued pursuant to this Bylaw;

- i) **“Licensee”** means a person named on a License;
- j) **“Municipal Tag”** means a written notice, in a form approved by the Town Manager, issued to a person on behalf of the Town, to advise that a violation of this Bylaw has occurred and that, by payment of a specified amount to the Town Office within a set time period, the person will avoid prosecution for the offence;
- k) **“Nuisance Dog”** means any dog that has been declared a Nuisance Dog by the Town Manager in accordance with section 19;
- l) **“Off-Leash Area”** means an area designated by the Town Manager where a Dog or Nuisance Dog is permitted and is not required to be controlled by a leash;
- m) **“Owner”** means any person or corporation:
  - i) who has care, charge, custody, possession, or control, of an Animal, either temporarily or permanently;
  - ii) who owns or claims a proprietary interest in an Animal;
  - iii) who harbours, suffers, or permits an Animal to be present on any property of the Owner or property under their control;
  - iv) who claims and receives an Animal from the custody of a Contractor or a Peace Officer;
  - v) to whom a License has been issued under this Bylaw;For the purpose of this Bylaw, an Animal can have more than one Owner, any, or all, who may be charged with offences under this Bylaw.
- n) **“Peace Officer”** has the same meaning as in the *Provincial Offences Procedure Act*;
- o) **“Restricted Dog”** means any dog which has:
  - i) been declared to be a Restricted Dog by a Justice;
  - ii) been declared to be a Restricted Dog by the Town Manager in accordance with Section 23;
  - iii) been made the subject of an Order under the *Dangerous Dogs Act*;
- p) **“Town”** means the Town of Coronation;
- q) **“Town Manager”** means the Chief Administrative Officer of the Town or his/her delegate;
- r) **“Violation Ticket”** has the same meaning as in the *Provincial Offences Procedure Act*.

### **RULES FOR INTERPRETATION**

- 3) The marginal notes and headings in this Bylaw are for reference purposes only.

### **LICENSING OF DOGS**

#### **REQUIREMENT FOR LICENSE**

- 4) Licensing requirements:
  - a) No person shall own or keep a dog within the Town unless such dog is licensed according to this Bylaw.
  - b) The Owner of a Dog shall obtain a License for the Dog from the Town.
  - c) The Owner of a Nuisance Dog shall obtain a License for the Nuisance Dog from the Town.
  - d) The Owner of a Restricted Dog shall obtain a License for the Restricted Dog from the Town.
  - e) This section does not apply to Dogs, Nuisance Dogs, or Restricted Dogs under the age of six months.
  - f) The Owner of a Nuisance Dog or Restricted Dog shall obtain a License for the Nuisance Dog or Restricted Dog within 7 days of it being declared a Nuisance Dog or Restricted Dog, and shall renew that License annually.

### **APPLICATION**

- 5) Before the issue or renewal of a License pursuant to this Bylaw, the Owner must submit to the Town Manager:
  - a) the License fee as established by this Bylaw;
  - b) proof, in a form acceptable to the Town Manager, of the Dog being spayed or neutered, if applicable; and
  - c) any additional information required by the Town Manager.

### **ISSUE OR RENEWAL**

- 6) The Town Manager may not issue or renew a License pursuant to this Bylaw unless satisfied that:
  - a) at least one person named on the License is 18 years of age;
  - b) all applicable fees have been paid; and
  - c) all required information has been provided.

### **TERM**

- 7) Term of License:
  - a) Unless otherwise specified in this Bylaw, the term of a License pursuant to this Bylaw expires on December 31<sup>st</sup> of the year in which it is issued or renewed.
  - b) The Town Manager may issue a License pursuant to this Bylaw for a term other than one year where the Town Manager considers it appropriate to do so.

### **LICENSE FEES**

- 8) The annual License fees for all Animals are set out in **Schedule A**.
  - a) In the event a License for a Dog, Nuisance Dog, or Restricted Dog is issued or renewed for a term other than one year, the fee for the License may be adjusted proportionately.
  - b) Failure to renew a License on January 1<sup>st</sup> of each year does not entitle the Owner to an adjustment to the annual fee.

### **CONDITIONS FOR NUISANCE DOGS**

- 9) Nuisance Dogs:
  - a) When a Dog has been declared to be a Nuisance Dog, or upon 15 days written notice to the Owner of a Nuisance Dog, the Town Manager may impose any or all of the following conditions on the Owner of a Nuisance Dog to:
    - i) keep the Nuisance Dog indoors or secured in a fully enclosed outdoor pen;
    - ii) muzzle the Nuisance Dog when it is outdoors;
    - iii) make repairs to the property where the Nuisance Dog is kept to ensure compliance with this Bylaw;
    - iv) complete a behavioral modification course specified by the Town Manager.
  - b) An Owner shall not contravene any condition imposed by the Town Manager with respect to a Nuisance Dog.

## **APPEAL**

- 10) Appeal of conditions imposed on the Owner of a Nuisance Dog:
- a) When the Town Manager has imposed conditions on the Owner of a Nuisance Dog, such Owner may appeal, any conditions imposed, to the Appeal Committee within 14 days of receiving notice of the conditions.
  - b) On hearing the Appeal, the Appeal Committee may revoke, vary or confirm the conditions imposed.

## **REGULATION OF DOGS**

### ***REGULATIONS APPLYING TO ALL DOGS***

## **EXCESSIVE BARKING**

- 11) The Owner of a Dog, Nuisance Dog, or Restricted Dog shall ensure it does not bark, howl or create other noise, in a manner that is reasonably likely to annoy or disturb the peace of a person.
- a) In determining whether barking is reasonably likely to annoy or disturb the peace of a person, consideration may be given, but is not limited, to the:
    - i) proximity of the property where the Dog, Nuisance Dog, or Restricted Dog resides;
    - ii) duration of the barking;
    - iii) time and day of the week;
    - iv) nature and use of the surrounding area; and
    - v) any effect of the barking.

## **DEFECATION**

- 12) Defecation
- a) The Owner of a Dog, Nuisance Dog, or Restricted Dog is guilty of an offence if the Owner does not forthwith remove any defecation left, by such Dog, Nuisance Dog, or Restricted Dog, on public property or private property, other than property owned or controlled by the Owner of such Dog, Nuisance Dog, or Restricted Dog.
  - b) The Owner of a Dog, Nuisance Dog, or Restricted Dog is guilty of an offence if the Owner allows any fecal matter to remain on their property or to accumulate to such an extent as to, in the opinion of the Peace Officer, constitute a nuisance by way of odor, unsightliness or detrimental impact on the use, enjoyment or value of nearby properties.

## **DISPLAY OF LICENSE TAG**

- 13) The Owner of a Dog, Nuisance Dog, or Restricted Dog shall ensure that it displays the License tag issued by the Town when it is off the Owner's property.

## **FEMALE DOGS IN HEAT**

- 14) The Owner of a female Dog, Nuisance Dog, or Restricted Dog shall house and confine it during the whole period that it is in heat.

### **UNATTENDED ANIMALS**

#### 15) Unattended Animals:

- a) The Owner of a Dog, Nuisance Dog, or Restricted Dog shall ensure that it is not left unattended while tethered or tied on premises to which the public has access, whether the access is express or implied.
- b) The Owner of a Dog, Nuisance Dog, or Restricted Dog shall ensure that it is not left unsupervised while tethered or tied on private property.

### **DOGS IN MOTOR VEHICLES**

#### 16) Dogs in motor vehicles:

- a) The Owner of a Dog, Nuisance Dog, or Restricted Dog that is in or on a motor vehicle shall ensure that such Dog, Nuisance Dog or Restricted Dog cannot come in contact with a person or another Animal when the vehicle is parked on any street or in a public parking lot.
- b) Notwithstanding subsection (a), the Owner may allow a Dog, Nuisance Dog, or Restricted Dog to be outside the passenger cab of a vehicle, including riding in the back of a pickup truck or flatbed truck, if the Dog, Nuisance Dog, or Restricted Dog is:
  - i) in a fully enclosed trailer having adequate ventilation;
  - ii) in a topper that fully encloses the bed area of a truck having adequate ventilation;
  - iii) contained in a ventilated kennel or similar device securely fastened to the bed of the truck;  
or
  - iv) securely tethered in such a manner that it is not standing on bare metal, cannot jump or be thrown from the vehicle, is not in danger of strangulation, and cannot reach beyond the outside edges of the vehicle; and
  - v) secured in such a fashion that the Dog, Nuisance Dog, or Restricted Dog cannot extend its muzzle or any other body part outside of the vehicle, trailer, topper, kennel or similar device.
- c) The Owner of a Dog, Nuisance Dog, or Restricted Dog left unattended inside a vehicle shall ensure:
  - i) the Dog, Nuisance Dog, or Restricted Dog is restrained in a manner that prevents contact between the Dog, Nuisance Dog, or Restricted Dog and any member of the public; and
  - ii) the Dog, Nuisance Dog, or Restricted Dog has suitable ventilation.
- d) The Owner of a Dog, Nuisance Dog, or Restricted Dog shall not leave a Dog, Nuisance Dog, or Restricted Dog unattended in a vehicle if the weather conditions are not suitable for containment of an Animal.

### **DOGS ON SIDEWALKS, TRAILS OR PATHS**

#### 17) Dogs on Sidewalks, Trails or Paths:

- a) The Owner of a Dog, Nuisance Dog, or Restricted Dog shall ensure it does not pass along, or across, a sidewalk, trail or path, unless it remains under the control of the Owner at all times and does not interfere with or obstruct any user of the sidewalk, trail or path.
- b) When operating a bicycle or wheeled conveyance on a sidewalk, trail or path, no person shall do so with any Animal on a leash, with the exception of persons with disabilities operating such a device designed for persons with disabilities.

### **DOGS AND CATS IN PROHIBITED AREAS**

#### 18) Dogs and Cats in Prohibited Areas:

- a) No person shall permit any Dog, Nuisance Dog, or Restricted Dog, or Cat to enter or remain in or on a school ground, park, playground, ball diamond, tennis court, or cemetery.
- b) No person shall have a Dog, Nuisance Dog, or Restricted Dog, or Cat in any area which has a posted sign stating that Dogs or Cats are not permitted in that area.
- c) The Town Manager may post signs indicating any areas which are owned or controlled by the Town where Dogs or Cats are not permitted.

### **DECLARATION OF NUISANCE DOG**

- 19) The Town Manager may declare a Dog to be a Nuisance Dog if its Owner has three (3) or more convictions within three (3) years for any combination of offences under this Bylaw.

### ***REGULATIONS APPLYING TO DOGS AND NUISANCE DOGS***

### **OFF PROPERTY OF OWNER**

#### 20) Off Property of Owner:

- a) The Owner of a Dog or Nuisance Dog shall, at all times when it is off the property of the owner, have it:
  - i) under control; and
  - ii) held on a leash not exceeding two meters in length.
- b) When a Dog or Nuisance Dog is within an Off-Leash Area, the Dog or Nuisance Dog need not be held on a leash, however the Owner of the Dog or Nuisance Dog shall carry with them a leash for the Dog or Nuisance Dog, not exceeding two meters in length.
- c) Subject to the requirements of Section 20 (a), the Owner of a Dog or Nuisance Dog may have the Dog or Nuisance Dog in any transit vehicle or facility of the Town if the Dog or Nuisance Dog is trained by a recognized agency to provide assistance to a person with a physical impairment and the person is using the Dog or Nuisance Dog for such assistance.
- d) Nothing in this section removes the obligation on a person to have a Dog or Nuisance Dog under control when it is off the property of the Owner.

### **ATTACKS**

#### 21) The Owner of a Dog or Nuisance Dog is guilty of an offence if such Dog or Nuisance Dog, whether on the property of the Owner or not:

- a) chases, attacks or bites any person or Animal;
- b) chases, attacks or bites any person or Animal causing physical injury;
- c) causes severe injury to any person, Animal, wildlife, or livestock;
- d) causes death to another domestic Animal, wildlife, livestock or other domesticated household pet;

**THREATENING BEHAVIOR**

22) Threatening behavior:

- a) The Owner of any Dog or Nuisance Dog is guilty of an offence if such Dog or Nuisance Dog displays threatening behavior, including any of the following:
  - i) barks at other Animals, wildlife, or livestock, in a threatening manner;
  - ii) barks at, or chases bicycles, motor vehicles, or other vehicles;
  - iii) growls, lunges, snarls or otherwise threatens a person or persons, whether on the property of the Owner or not;
  - iv) causes damage to property, Animals, wildlife, or livestock, whether on the property of the Owner or not;
  - v) does any act, other than biting or attacking, that injures a person or persons, whether on the property of the Owner or not.
- b) No Owner shall:
  - i) use or direct a Dog or Nuisance Dog to attack, bite, or otherwise exhibit threatening behavior towards a person, whether the Dog or Nuisance Dog is on the Owner's property or other private or public property;
  - ii) use or direct a Dog or Nuisance Dog to attack, bite, or otherwise exhibit threatening behavior towards any domestic Animal, livestock or wildlife.
- c) A Dog or Nuisance Dog shall not be deemed to exhibit threatening behavior if the Dog or Nuisance Dog is safely confined within a building, vehicle, crate or behind a securely fenced area and there is no risk of the Dog or Nuisance Dog making physical contact with a person, Animal, livestock or wildlife.

### ***REGULATIONS APPLYING TO RESTRICTED DOGS***

#### **DECLARATION**

- 23) The Town Manager may declare a Dog or Nuisance Dog to be a Restricted Dog if it:
- a) has chased, attacked, or bitten any person or Animal causing physical injury;
  - b) has chased, attacked, or bitten any person or Animal on more than one occasion, with or without causing physical injury; and
  - c) the Town Manager determines that the Dog or Nuisance Dog has caused, or is likely to cause harm, damage, injury or death to another Animal or a person.

#### **APPEAL**

- 24) Appeal of Conditions Imposed on the Owner of a Restricted Dog:
- a) When a Dog or Nuisance Dog has been declared a Restricted Dog, the Owner of such dog may appeal the declaration to the Appeal Committee.
  - b) On hearing the Appeal, the Appeal Committee may revoke or confirm the Restricted Dog declaration.

#### **INSURANCE**

- 25) The Owner of a Restricted Dog shall provide proof of liability insurance, specifically covering any damages for personal injury caused by the Restricted Dog in an amount not less than one million dollars, to the Town Manager as a condition of the Town issuing or renewing a Restricted Dog License. This insurance must be maintained for as long as the Owner owns the Restricted Dog.

#### **OFF PROPERTY OF OWNER**

- 26) The Owner of a Restricted Dog shall, at all times when it is off the property of the Owner, have it:
- a) under control;
  - b) muzzled; and
  - c) held on a leash not exceeding two meters in length.

#### **ON PROPERTY OF OWNER**

- 27) The Owner of a Restricted Dog shall, at all times when it is on the property of the Owner, have it:
- a) indoors; or
  - b) if outdoors, secured in a fully enclosed pen; or
  - c) if 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.



## **ATTACKS**

- 28) The Owner of a Restricted Dog shall ensure 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;
  - d) cause severe injury to any person, Animal, wildlife, or livestock;
  - e) cause death to another Animal, wildlife, or livestock;

## **THREATENING BEHAVIOR**

- 29) Threatening Behavior:
- a) The Owner of any Restricted Dog shall ensure that the Restricted Dog does not display threatening behavior, including any of the following:
    - i) bark at, or chase other Animals, wildlife, or livestock, in a threatening manner;
    - ii) bark at, or chase bicycles, motor vehicles, or other vehicles;
    - iii) growl, lunge, snarl, chase, or otherwise threaten a person or persons, whether on the property of the Owner or not;
    - iv) bite, or cause damage to property, Animals, wildlife, or livestock, whether on the property of the Owner or not;
    - v) do any act, other than biting or attacking, that injures a person or persons, whether on the property of the Owner or not;
    - vi) bite a person or persons, whether on the property of the Owner or not;
    - vii) attack a person or persons, whether on the property of the Owner or not;
    - viii) bite or attack a person or persons, whether on the property of the Owner or not, causing severe injury;
  - b) No Owner shall:
    - i) use or direct a Restricted Dog to attack, bite, or otherwise exhibit threatening behavior towards a person, whether the Restricted Dog is on the Owner's property or other private or public property;
    - ii) use or direct a Restricted Dog to attack, bite, or otherwise exhibit threatening behavior towards any Animal, livestock or wildlife.
  - c) A Restricted Dog shall not be deemed to exhibit threatening behavior if the Restricted Dog is safely confined within a building, vehicle, crate, or behind a securely fenced area and there is no risk of the Restricted Dog making physical contact with a person, Animal, livestock, or wildlife.

## **LICENSING AND REGULATION OF CATS**

### **REQUIREMENT FOR LICENSE**

30) Requirement for Cat Licenses:

- a) The Owner of a Cat shall obtain an annual License for such Cat from the Town.
- b) This section does not apply to Cats under the age of six months.

### **APPLICATION**

31) Before the issue or renewal of a Cat License pursuant to this Bylaw, the Owner must submit to the Town Manager:

- a) the License fee as established by this Bylaw;
- b) proof, in a form acceptable to the Town Manager, of the Cat being spayed or neutered, if applicable;
- c) any additional information required by the Town Manager.

### **ISSUE OR RENEWAL**

32) The Town Manager may not issue or renew a Cat License pursuant to this Bylaw unless satisfied that:

- a) at least one person named on the License is 18 years of age;
- b) all applicable fees have been paid; and
- c) all required information has been provided.

### **TERM**

33) Term of License:

- a) Unless otherwise specified in this Bylaw, the term of a Cat License pursuant to this Bylaw expires on December 31<sup>st</sup> of the year it is issued or renewed.
- b) The Town Manager may issue a Cat License pursuant to this Bylaw for a term other than one year where the Town Manager considers it appropriate to do so.

### **LICENSE FEES**

34) License Fees:

- a) The annual License fee for a Cat is set out in Schedule A.
- b) In the event a License for a Cat is issued or renewed for a term other than one year, the fee for the License may be adjusted proportionately. Failure to renew a License on January 1<sup>st</sup> of each year does not entitle the Owner to an adjustment to the annual fee.

### **DISPLAY OF LICENSE TAG**

35) The Owner of a Cat shall, at all times when it is off the property of the Owner, ensure it displays the License tag issued by the Town.

### **OFF PROPERTY OF OWNER**

- 36) The Owner of a Cat shall ensure the Cat does not enter onto private property other than that of the Owner.
- a) This section does not apply if the person in charge of the private property consents to the Cat being there.

### **TRAPPING OF CATS**

- 37) Trapping of Cats:
- a) 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 the Town.
  - b) Any person obtaining a Cat trap from the Town shall comply with the *Procedure and Guidelines for Trapping Stray Cats*, as set out in Schedule D and such other terms and conditions as the Town may require.
  - c) The provision of a Cat trap to a person shall be at the sole discretion of the Town.

## **OTHER REGULATIONS**

### **PROHIBITED ANIMALS**

- 38) Keeping of prohibited animals:
- a) No person shall keep, or have, any of the following on any premises in the Town with a municipal address unless written permission has been obtained from the Town Manager:
    - i) a Large Animal or the young thereof;
    - ii) poultry;
    - iii) bees;
    - iv) pigeons; or
    - v) poisonous snakes, reptiles or insects.

### **LEG HOLD TRAPS**

- 39) Leg hold traps:
- a) Unless otherwise permitted by law, no person shall place a leg hold or foot hold trap in any place where it may reasonably capture any Animal.
  - b) Unless otherwise permitted by law, no person shall capture any Animal by means of a leg hold or foot hold trap.

### **LIMIT ON DOGS, NUISANCE DOGS, RESTRICTED DOGS AND CATS**

- 40) Limit on Dogs, Nuisance Dogs, Restricted Dogs and Cats:
- a) No person shall have, keep, harbor, suffer, or permit to remain upon any premises with a municipal address in Town, more than a total of three (3) dogs, including Dogs, Nuisance Dogs and Restricted Dogs, or any combination thereof.
  - b) No person shall keep or have more than six (6) Cats on any premises with a municipal address in the Town.

- c) Persons moving into the Town from another community may own or possess more than a total of three (3) Dogs, Nuisance Dogs, Restricted Dogs, or any combination thereof, with the following conditions:
  - i) Proof is provided that all of the Dogs, Nuisance Dogs, Restricted Dogs, or any combination thereof, were legally licensed in the community in which they previously lived.
  - ii) All of the Dogs, Nuisance Dogs, Restricted Dogs, or any combination thereof are licensed with the Town.
  - iii) If a Dog, Nuisance Dog, or Restricted Dog is sold, given away or passes away, the Dog, Nuisance Dog, or Restricted Dog cannot be replaced if the person owns or possesses more than a total of three (3) Dogs, Nuisance Dogs, Restricted Dogs, or any combination thereof.
- d) If the Town Manager receives complaints from a resident of the Town regarding premises that contain more than three (3) licensed Dogs, Nuisance Dogs, Restricted Dogs, or any combination thereof, the Town Manger can limit the number of the dogs at the premises to three (3)
- e) This section does not apply:
  - i) in the case of Dogs, Nuisance Dogs, or Restricted Dogs under the age of six months;
  - ii) if the person has a valid Town of Coronation Business License to operate a Small Animal Breeding or Boarding Establishment, or for the general business of operating a Pet Store;
  - iii) to any veterinary clinic or animal hospital operated by a registered veterinarian; or
  - iv) in the case of premises with a municipal address in the Town on land zoned RA- Residential Acreage.

#### **CHANGE OF INFORMATION**

- 41) A Licensee shall forthwith notify the Town Manager of any change with respect to any information provided as part of the application for a License pursuant to this Bylaw.

#### **NOTIFICATION OF STRAY**

- 42) A person who takes control of any stray Dog, Nuisance Dog, Restricted Dog or Cat, shall forthwith notify a Peace Officer and provide any required information.

#### **FALSE INFORMATION**

- 43) No person shall provide false or misleading information to any Peace Officer or the Town Manager.

#### **CONTRAVENTION OF WRITTEN AGREEMENTS**

- 44) No person shall contravene any term or condition contained in a written agreement entered into by that person with the Town pursuant to this Bylaw.

#### **INTERFERENCE**

- 45) No person shall interfere with a Peace Officer in the exercise of their powers and duties pursuant to this Bylaw.

### **OFFENCE**

46) Any person who contravenes any provision of this Bylaw is guilty of an offence.

### **CONTINUING OFFENCE**

47) In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of 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.

### **FINES AND PENALTIES**

48) Any person who is guilty of an offence is liable on summary conviction to a fine in an amount not less than the fine amount established in **Schedule C** for that offence, and in default of payment of any fine, to imprisonment for not more than six months.

49) Any person who commits a second or third or subsequent offence under this Bylaw within 12 months of committing a first offence under this Bylaw, is liable to an increased fine as set out in **Schedule C**, not exceeding \$10,000.00, and in default of payment of any fine, to imprisonment for not more than six months.

### **MUNICIPAL TAGS**

50) A Peace Officer is authorized to issue a Municipal Tag to any person who the Peace Officer has reasonable and probable grounds to believe has contravened a provision of this Bylaw. If a Municipal Tag is issued in respect of an offence, the Municipal Tag must specify the fine amount established by this Bylaw for the offence.

### **PAYMENT IN LIEU OF PROSECUTION**

51) Where a Municipal Tag is issued to a person in respect of an offence, the person may pay the fine amount established by this Bylaw for the offence, and if the amount is paid on or before the required date, the person will not be prosecuted for the offence.

### **VIOLATION TICKETS**

52) A Peace Officer is authorized to issue a Violation Ticket to any person who the Peace Officer has reasonable and probable grounds to believe has contravened a provision of this Bylaw. If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:

- a) specify the fine amount established by this Bylaw for the offence; or
- b) require a person to appear in court without the alternative of making a voluntary payment.
- c) Nothing in this Bylaw prevents a Peace Officer from immediately issuing a Violation Ticket without first issuing a Municipal Tag.

### **VOLUNTARY PAYMENT**

- 53) A person who commits an offence may:
- a) if a Violation Ticket is issued in respect of the offence; and
  - b) if the Violation Ticket specifies the fine amount established by this Bylaw for the offence; make a voluntary payment equal to the specified fine to a Clerk of the Provincial Court.

### **ADDITIONAL PENALTIES**

- 54) A Justice, after convicting an Owner of a Dog, Nuisance Dog, or Restricted Dog, of an offence under this Bylaw, may, in addition to the fine specified under this Bylaw, order one or more of the following:
- a) the Dog or Nuisance Dog be declared a Restricted Dog;
  - b) the Dog, Nuisance Dog or Restricted Dog, be euthanized;
  - c) the Owner be prohibited from owning any Dog, Nuisance Dog or Restricted Dog for a specified period of time.

### **SEIZURE AND IMPOUNDING**

- 55) A Peace Officer may seize and impound:
- a) any Dog or Nuisance Dog found in contravention of section 20 (a);
  - b) any Restricted Dog found in contravention of section 26; or
  - c) any Cat found in contravention of section 36.

### **SERIOUS INJURY**

- 56) In the case of a Dog, Nuisance Dog or Restricted Dog inflicting serious injury:
- a) A Peace Officer may seize and impound any Dog, Nuisance Dog or Restricted Dog, alleged to have seriously injured or killed a person or Animal.
  - b) A Dog, Nuisance Dog or Restricted Dog seized pursuant to this section may not be impounded for more than 30 days unless Provincial Court proceedings for a destruction or other order with respect to the Dog, Nuisance Dog or Restricted Dog are commenced within that time.

### **RELEASE**

- 57) Release of seized Animals:
- a) Any person seeking to reclaim, or who is responsible for any Dog, Nuisance Dog or Restricted Dog or Cat seized, must provide the Peace Officer with sufficient proof of ownership of the Animal.
  - b) A Dog, Nuisance Dog or Restricted Dog, or Cat will only be released to the Owner upon provision of sufficient proof of ownership of the Animal.
  - c) Any person seeking to reclaim an Animal described in section 38 as a prohibited animal must provide evidence satisfactory to the Town Manager that such prohibited animal will be permanently removed from the Town of Coronation jurisdiction immediately upon the Owner reclaiming it.
  - d) The Town Manager or his/her designate may gift, sell, or humanely euthanize any unclaimed Animals which have been impounded for longer than the period of time specified by this Bylaw.

- e) The purchaser of an Animal from the Town shall obtain full right and title to the Animal, and the right and title of the former Owner to the Animal shall cease.
- f) Notwithstanding anything in this Bylaw, nothing shall prevent an Animal from being humanely euthanized at any time due to physical illness or injury upon the recommendation of a licensed veterinarian.

#### **AUTHORITY OF CONTRACTOR/PEACE OFFICER**

##### 58) Authority of Contractor/Peace Officer:

- a) A Contractor may at the instruction of a Peace Officer:
  - i) receive Dogs, Nuisance Dogs, Restricted Dogs and Cats into protective care pursuant to fire, flood or other reasons;
  - ii) retain a Dog, Nuisance Dog, Restricted Dog and Cat temporarily;
  - iii) charge the Owner fees pursuant to Schedule 'B' for impoundment, and;
  - iv) at the end of the protective care period, if no other arrangements are made between the Owner and the Peace Officer, treat such Dogs, Nuisance Dogs, Restricted Dogs and Cats as impounded Animals;
- b) A Peace Officer:
  - i) may capture and impound or cause to be captured and impounded any Dog, Nuisance Dog, Restricted Dog and Cats deemed required to be impounded pursuant to the provisions of this Bylaw or any statute of Canada, or the Province of Alberta, or any regulations made thereunder;
  - ii) shall ensure that any Dog, Nuisance Dog, Restricted Dog and Cat impounded receives adequate care and sufficient food and water;
  - iii) shall report any apparent illness, communicable disease, injury or unhealthy condition of any Dog, Nuisance Dog, Restricted Dog or Cat to a veterinarian if, in the opinion of the Peace Officer, the condition of the Animal warrants the examination or care of a veterinarian, and act upon the veterinarian's recommendation. The Owner of the Dog, Nuisance Dog, Restricted Dog or Cat shall be held responsible for all resulting veterinarian charges;
  - iv) shall immediately segregate from other Animals and restrain any Dog, Nuisance Dog, Restricted Dog or Cat brought to the Contractor if it has or appears to have rabies or any other communicable disease, and in the case of rabies, report such condition to the Medical Health Officer, a Veterinary Inspector of the Health of Animals Division of the local office of the Federal Department of Agriculture, or to any other official designated for that purpose, pursuant to the *Health of Animals Act, Canada*;
  - v) shall collect from the person or persons liable, all fees and charges levied pursuant to the provisions of this Bylaw as authorized by this Bylaw, and remit such fees to the Town Office as required.
- c) A Peace Officer and a Contractor shall maintain records of:
  - i) Any complaint made to them under the provisions of this Bylaw and the disposal of such complaint;
  - ii) Any complaint made to them under the *Dangerous Dogs Act, Alberta*, when such complaint has been reported to a Peace Officer and action taken on such complaint;
  - iii) Each Dog, Nuisance Dog, Restricted Dog or Cat impounded or retained and the disposition of such Dog, Nuisance Dog, Restricted Dog or Cat;
  - iv) Notices sent to the Owners of Dogs, Nuisance Dogs, Restricted Dogs or Cats and others pursuant to the provisions of this Bylaw; and

- v) Telephone calls made attempting to contact the Owner of a Dog, Nuisance Dog, Restricted Dog or Cat.
- d) A Peace Officer shall make or file complaints when required pursuant to the *Dangerous Dogs Act*, Alberta.
- e) A Peace Officer may humanely euthanize, or otherwise dispose of all unclaimed Dogs, Nuisance Dogs, Restricted Dogs and Cats which have been impounded or retained by a Contractor.
- f) A Peace Officer shall not euthanize, or otherwise dispose of, any impounded Dog, Nuisance Dog, Restricted Dog or Cat until the Animal is retained for three (3) business days after the date of seizure and impoundment.
- g) A Peace Officer may instruct that a Dog, Nuisance Dog, Restricted Dog or Cat, is retained for longer than three (3) business days, if, in his/her or her opinion, the circumstances warrant the expense, or, he or she has reasonable grounds to believe that the Dog, Nuisance Dog, Restricted Dog or Cat is a continued danger to persons, animals or property.
- h) The Town may instruct a Contractor to offer for sale, or sell, any impounded and retained Dog, Nuisance Dog, Restricted Dog or Cat, after the Animal has been impounded for three (3) business days and has not been claimed by its Owner.
- i) Before selling an unclaimed Dog, Nuisance Dog, Restrictive Dog, or Cat, the Town may require that the Animal be spayed or neutered.

## GENERAL

### OTHER FEES

- 59) The following fees are hereby established:
- a) for shelter and care, the amount set out in **Schedule B**; and
  - b) for any required veterinary treatment, including drugs and medicines, the actual costs of the treatment; and
  - c) for a replacement License tag, the amount set out in **Schedule A**.

### PROOF OF LICENSE

- 60) The onus of proving a person has a valid and subsisting License is on the person alleging the License.

### PROOF OF AGE

- 61) The onus of proving that the age of a Dog, Nuisance Dog or Restricted Dog, or Cat is under the age of six (6) months is on the person alleging it.

### TOWN MANAGER

- 62) Without restricting any other power, duty or function granted by this Bylaw, the Town 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 Town;
  - c) establish forms for the purposes of this Bylaw;



- d) establish Off-Leash Areas;
- e) waive the License fee otherwise payable for one Dog if the Dog is trained by a recognized agency to provide assistance to a person with a physical impairment and the Owner uses the dog for such assistance;
- f) waive the first year License fee otherwise payable for any Dog or Cat that is either spayed or neutered.

### **APPEAL COMMITTEE**

#### 63) Appeal Committee

- a) Town Council shall appoint three persons by resolution, on a case-by-case basis, to sit as members of the Appeal Committee.
  - i) The Appeal Committee will operate as a Committee of Council and is subject to Part 5 of the Municipal Government Act and applicable sections of the Town of Coronation Procedural Bylaw.
  - ii) The make up of the Appeal Committee may be elected officials or appointed members of the public at large and is solely the decision of Town Council.
  - iii) The members of the Appeal Committee shall select one of themselves as chairman.
  - iv) Each member of the Appeal Committee shall have one vote.
  - v) Two members of the Appeal committee shall constitute a quorum.
  - vi) A decision of the majority of members at the appeal hearing shall be deemed to be the decision of the whole Appeal Committee.
  - vii) Each member of the Appeal Committee shall be entitled to such remuneration as may be fixed from time to time by Council.
- b) Town Council may, by resolution, appoint a recording secretary who shall be an employee of the municipality and shall attend all meetings of the Appeal Committee, but shall not vote on any matter before the Appeal Committee.
  - i) The recording secretary shall keep the following records:
    - (1) The written objection;
    - (2) The minutes of the hearing;
    - (3) Records of all notices of hearing and of the persons to whom they were sent;
    - (4) Copies of all written representations;
    - (5) Notes as to each representation;
    - (6) The names and addresses of those making representations at the hearing;
    - (7) The decision of the Appeal Committee;
    - (8) The reasons for the decision of the Appeal Committee;
    - (9) The vote of the members of the Appeal Committee on the decision;
    - (10)The records of all notices of decision and of persons to whom they were sent; and
    - (11)Such other matters as the Appeal Committee may direct.

### **CERTIFIED COPY OF RECORD**

- 64) A copy of a record of the Town, certified by the Town Manager as a true copy of the original, shall be admitted as evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

**CIVIL ACTION NOT AFFECTED**

65) Nothing in this Bylaw limits the right of any person to prosecute a claim for damages by reason of injuries to person or property resulting from any action of the Owner of any Animal, or from the action of any agent of the Owner.

**TRANSITIONAL**

**EXISTING LICENSE**

66) An existing license issued under Bylaw 2014-627 remains valid until the term of such license expires.

**REPEALS**

67) Bylaw 2014-627 is hereby repealed.

Read a first time this 27<sup>th</sup> day of November, 2017

Read a second time this 11<sup>th</sup> day of December, 2017

Read a third time and finally passed this 11<sup>th</sup> day of December, 2017

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

**SCHEDULE A**

**FEES**

1) Dog License	\$50.00 per year
2) Dog License (spayed or neutered)	\$20.00 per year
3) Breeder License	\$200.00 per year
4) Nuisance Dog License	\$100.00 per year
5) Restricted Dog License	\$250.00 per year
6) Cat License	\$50.00 per year
7) Cat License (spayed or neutered)	\$20.00 per year
8) Replacement License Tag (for lost tags)	\$7.00

**SCHEDULE B**

**AMOUNTS TO BE PAID RELATING TO IMPOUNDED ANIMALS**

1) Dog/Nuisance Dog Impoundment Fees	\$20.00
2) Restricted Dog Impoundment Fees	\$250.00
3) Cat Impoundment Fees	\$20.00
4) Dog Care and Sustenance	\$20.00 per day (or portion thereof to commence on the second day of impoundment)
5) Cat Care and Sustenance	\$15.00 per day (or portion thereof to commence on the second day of impoundment)
6) Veterinary Fees	Amount expended
7) Destruction of Dog or Cat	Amount expended

**SCHEDULE C**  
**FINE AMOUNTS**

The following fine amounts are established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered:

<b><u>Offence Description</u></b>	<b><u>Fine Amount</u></b>
Any Offence for which a fine is not otherwise established in this Bylaw	\$100.00
<b>Section 4 (b)</b> Owner fail to obtain a license for a Dog	\$250.00
<b>Section 4 (c)</b> Owner fail to obtain a license for a Nuisance Dog	\$350.00
<b>Section 4 (d)</b> Owner fail to obtain a license for a Restricted Dog	\$500.00
<b>Section 9 (b)</b> Owner breach condition of a Nuisance Dog License	\$500.00
<b>Section 11</b> Owner of a Dog, Nuisance Dog or Restricted Dog which barks/howls so as to disturb a person	\$250.00
<b>Section 20 (a)</b> Owner of a Dog off property and not under control or on a leash	\$250.00
<b>Section 20 (a)</b> Owner of a Nuisance Dog off property and not under control or on a leash	\$350.00
<b>Section 21 (a)</b> Owner of a Dog which chases/attacks/bites a person or Animal	\$200.00
<b>Section 21 (a)</b> Owner of a Nuisance Dog which chases/attacks/bites a person or Animal	\$300.00
<b>Section 21 (b)</b> Owner of a Dog which chases/attacks/bites a person or Animal causing physical injury/damage to property	\$500.00
<b>Section 21 (b)</b> Owner of a Nuisance Dog which chases/attacks/bites a person or Animal causing physical injury/damage to property	\$700.00
<b>Section 21 (c)</b> Owner of Dog or Nuisance Dog which causes severe injury to a person, Animal, wildlife or livestock	\$1,000.00
<b>Section 21 (d)</b> Owner of Dog or Nuisance Dog which causes death to another Animal, wildlife or livestock	\$2,500.00

<b>Section 22(a)</b>	Owner of a Dog which displays threatening behavior	\$250.00
<b>Section 22(a)</b>	Owner of a Nuisance Dog which displays threatening behavior	\$350.00
<b>Section 22 (b)</b>	Owner using or directing a Dog or Nuisance Dog to attack, bite or exhibit threatening behavior	\$500.00
<b>Section 25</b>	Owner of a Restricted Dog fails to obtain liability insurance	\$500.00
<b>Section 26</b>	Owner of a Restricted Dog which is off property/not muzzled not on a leash	\$500.00
<b>Section 27</b>	Owner of a Restricted Dog which is outdoors/not secured in enclosed pen/not muzzled and secured by a chain	\$500.00
<b>Section 28 (a) &amp; (b)</b>	Owner of Restricted Dog which damages property or chases/attacks/bites a person or Animal	\$500.00
<b>Section 28 (c)</b>	Owner of Restricted Dog which chases/attacks/bites person or Animal causing physical injury	\$1,000.00
<b>Section 28 (d)</b>	Owner of Restricted Dog which causes severe injury to a person, Animal, wildlife or livestock	\$2,500.00
<b>Section 28 (e)</b>	Owner of Restricted Dog which causes death to another Animal, wildlife or livestock	\$5,000.00
<b>Section 29 (a) i) to vii)</b>	Owner of Restricted Dog which displays threatening behavior	\$500.00
<b>Section 29 (b) i) and ii)</b>	Owner using or directing a Restricted Dog to attack, bite or exhibit threatening behavior	\$1,000.00
<b>Section 30 (a)</b>	Owner failing to obtain a Cat License	\$250.00
<b>Section 38</b>	Person keeping a prohibited animal	\$500.00
<b>Section 39 (a) &amp; (b)</b>	Place Leg Hold Traps or capture any Animal with Leg Hold Trap	\$500.00
<b>Section 40 (a)</b>	Owner keeping or having more than three Dogs, Nuisance Dogs, or Restricted Dogs	\$500.00
<b>Section 40 (b)</b>	Owner keeping or having more than six Cats	\$500.00

**Section 43**      Providing false information      \$500.00

**Section 45**      Interfering with a Peace Officer      \$500.00

In the event of a second offence for the same offence within a twelve (12) month period, the fine amount will double.

In the event of a third offence for the same offence within the twelve (12) month period, the fine amount will triple.

## SCHEDULE D

### PROCEDURE AND GUIDELINES FOR TRAPPING STRAY CATS

1. A resident of Coronation over the age of 18, who suspects that damage has been done as a result of a stray Cat, may telephone a Peace Officer and voice a complaint, requesting a Cat trap. If no Cat traps are available, the resident will be invited to provide his/her contact information and become part of the waiting list.
2. When a trap is available, the Peace Officer will provide a Cat trap to the complainant for a period of 72 hours.
3. The complainant will be required to pay a \$50.00 deposit to borrow the Cat trap from the Town. This deposit will be returned to the complainant at such time as the trap is returned and is found to be in the same condition it was in at the time it was obtained from the Peace Officer.
4. If a complainant is disabled and therefore unable to pick up the Cat trap, the Peace Officer may deliver the trap to the complainant's property. The trap will be collected 72 hours later or the complainant may call the Peace Officer to pick it up, should a Cat be caught. No fee shall be charged to such complainant.
5. The complainant will set the Cat trap in a place shaded from the hot sun, on the premises of the complainant for a period of not more than 72 hours, after which time he will return the trap to the Peace Officer.
6. It is the responsibility of the complainant to check the trap hourly, or as approved by the Peace Officer. If a Cat is caught, the complainant must make arrangements to bring the Cat and the trap to the Peace Officer within 4 hours following the trapping.
7. Should an animal other than a Cat be caught in the trap, it is the responsibility of the complainant to release the animal from the trap prior to bringing the trap back to the Peace Officer. The Peace Officer will only receive a Cat trap if it is empty or if it contains a Cat. **No other trapped animals** will be accepted by The Peace Officer.
8. Pursuant to Section 542 of the *Municipal Government Act*, the Peace Officer may enter and inspect the premises of the complainant and ascertain if a Cat trap has been properly placed or set and if a Cat has been trapped.
9. The complainant shall not leave a trap set on his/her property unattended when absent therefrom for any period of time whatsoever, except as approved by the Peace Officer.
10. The complainant shall check the trap prior to 7:00 p.m. each night that the trap is on his/her property and, if no animal is caught, he shall, unless otherwise approved by the Peace Officer, trip the trap and render it harmless until 6:30 a.m. the following day, when the complainant may again set the trap.



11. At such time as the Peace Officer takes possession of a trapped Cat, the Peace Officer will try to locate an identifying tag or tattoo on the Cat and, if found, will make every effort to contact the Owner of the Cat in order to report that it has been impounded by the Peace Officer.
12. If an identification tag or tattoo cannot be found on the impounded Cat, the Peace Officer will keep the Cat for a minimum of 3 business days and, after that time, as space permits. After said 3-day period, it shall be at the discretion of the Peace Officer as to whether or not the trapped Cat shall be kept, sold to a new owner, or be humanely euthanized. However, notwithstanding the care taken to ensure return of an Owner's Cat, if a trapped Cat shall be found by the Peace Officer to be wild and dangerous and/or seriously injured, it may be humanely euthanized immediately upon being impounded by the Peace Officer.
13. At such time as a Cat Owner meets with the Peace Officer for the purpose of claiming his/her Cat which was off its property running at large, an offence ticket will be issued in accordance with this Bylaw.
14. It is the responsibility of the complainant to ensure, once a Cat is trapped on his/her property, that said Cat shall not be abused.
15. Any person seeing a trapped Cat being abused should telephone and report the abuse to the Peace Officer. The Peace Officer will immediately attend at the premises where the alleged abuse has taken place and will remove the Cat and the trap forthwith.
16. Any person who abuses, teases, or pokes an animal in a Cat trap or who is causing pain, suffering, or injury to any animal may be charged with an offence under section 2(1.1) of the *Animal Protection Act*.