

**BYLAW #1100/00**  
**of the**  
**TOWN OF NANTON**

**A BYLAW OF THE MUNICIPALITY OF THE TOWN OF NANTON IN THE PROVINCE OF ALBERTA  
RELATING TO THE REGULATION AND KEEPING OF DOGS AND OTHER DOMESTIC ANIMALS OR WILD  
ANIMALS WITHIN THE TOWN OF NANTON.**

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**1. ENACTMENT:**

- 1.1. WHEREAS it is deemed necessary that the Council of the Town of Nanton provide for the control of domestic animals within the Corporate Limits of the Town of Nanton, and
- 1.2. WHEREAS Sections 7(h) and 7(i) of the Municipal Government Act, being Chapter M-26.1 of the Revised Statutes of Alberta, 1994, and amendments thereto, authorizes a municipality to pass bylaws respecting Wild and Domestic Animals, activities in relation to these animals and the enforcement of such bylaws;
- 1.3. NOW THEREFORE, the Council of the Municipality of the Town of Nanton in the Province of Alberta duly assembled enacts as follows:

**2. INTERPRETATION:**

- 2.1. This bylaw will be cited as the "Animal Control Bylaw".
- 2.2. "Animal Control Officer" is any person, firm, corporation, Special Constable or Peace Officer appointed to carry out the provisions of this bylaw, or anyone authorized by the Animal Control Officer to act on his behalf.
- 2.3. "Animal Shelter" is any facility for the impounding of domestic animals that the Town shall provide or designate as such.
- 2.4. "Bee" is an insect that is kept in hives to produce honey.
- 2.5. "Brand Inspector" is a person designated or appointed to enforce the provisions of the Brand Act, the Livestock Identification and Brand Inspection Act, the Livestock and Livestock Products Act and the Stray Animals Act.
- 2.6. "Business Day" is any day of the week, excluding Saturday, Sunday or holidays.
- 2.7. "Bylaw" is the Town of Nanton Animal Control Bylaw.
- 2.8. "Council" is the Council of the Town of Nanton in the Province of Alberta.
- 2.9. "Domestic Animal" is and includes any dog, cat or any animal reclaimed from a wild state and adapted to live with man, not including "livestock" and "poultry" as defined herein.
- 2.10. "Dog" is any dog, bitch, spayed bitch or neutered male.
- 2.11. "Dog Fancier's License" is a dog license issued annually to an owner permitting the keeping or harboring, on land or premises occupied by the owner, up to four (4) licensed dogs over the age of three (3) months.
- 2.12. "Former Owner" is the person, who, at the time of impoundment, was the owner of an animal, which has subsequently been sold or destroyed.
- 2.13. "License Officer" is any person, firm or corporation appointed by Council to process dog registrations, maintain records and collect fees pursuant to the provisions of this bylaw.
- 2.14. "Livestock" is and includes horses, cattle, sheep, swine, donkeys, goats, rabbits and fur-bearing animals raised in captivity.
- 2.15. "Owner" is the person who has legal title to the dog, and also includes any person who has the possession or custody of the dog, or harbors the dog, or permits the dog to remain on his property.
- 2.16. "Peace Officer" is a person employed for the purposes of preserving and maintaining the public peace.

- 2.17. "Poultry" is and includes chickens, turkey, geese, pigeons, ducks and ornamental birds.
- 2.18. "Register" is to register with the Town of Nanton.
- 2.19. "Registered Guide Dog" is a dog specifically trained to assist blind or physically disabled persons.
- 2.20. "Running at Large" is a domestic animal within the meaning of this bylaw that is off the premises of its owner or the person in possession thereof and not under the immediate and continuous control of some person capable of effectively controlling it.
- 2.21. "Special Constable" is a person employed by the Town who holds a Special Constable's Appointment pursuant to Section 42(1) of the Police Act, R.S.A. 1988, and amendments thereto.
- 2.22. "Sterilized" is any female dog that has been spayed or any male dog that has been neutered.
- 2.23. "Tag" is a device as approved and issued by the Town showing that a license fee has been paid for the dog wearing it for the year it was issued.
- 2.24. "Town" is the Municipal Corporation of the Town of Nanton, in the Province of Alberta.
- 2.25. "Vicious Domestic Animal" is a domestic animal that has a history of biting and/or aggression toward humans or other animals.
- 2.26. "Violation Ticket" is a ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act, R.S.A. 1988, c. P-21.5, as amended, and Regulations thereunder.
- 2.27. "Wildlife" is and includes big game, game birds, birds of prey, fur bearing animals, fur bearing carnivores and any other species of vertebrates designated wildlife by the Wildlife Act and the Regulations passed pursuant thereto.

### **3. APPLICATION**

#### Livestock:

- 3.1. The provisions of this bylaw apply to any domestic animal.
- 3.2. No person will have or keep wildlife within the Town of Nanton.
- 3.3. No person will keep livestock, poultry or bees other than one pet rabbit per household resident within the Town of Nanton.
- 3.4. Notwithstanding Section 3.3., livestock, poultry or bees may be kept within the following locations:
  - 3.4.1. Those areas of the Town of Nanton which are classified as agricultural operations in compliance with the requirements of the Land Use Bylaw.
  - 3.4.2. Exhibition grounds;
  - 3.4.3. Pet shops; or
  - 3.4.4. Veterinary clinics or hospitals.
- 3.5. No person while raising livestock or poultry pursuant to Section 3.3 will create, establish or maintain any accumulation or deposit of refuse, wherever situated, for so long a period as to provide a breeding place for flies or creation of odors.
- 3.6. All livestock or poultry, while not under the direct control of a person must be placed in a fenced or other secure area, which will prevent the free roaming of such livestock or poultry.
- 3.7. Where livestock trespasses within the Town of Nanton on any:
  - 3.7.1. public lands owned by the Town, including highways;
  - 3.7.2. public lands owned by the Crown; or
  - 3.7.3. lands privately owned without the consent of the owner of those lands;
 while the livestock are on such lands, an animal control officer may capture and confine such livestock.
- 3.8. When branded livestock has been captured and secured pursuant to Item 3.6., the animal control officer will report the capture and turn responsibility for the livestock to the local Brand Inspector.

#### Dogs:

- 3.9. The owner of a dog must apply to the Town of Nanton for an annual license for such dog, and must pay therefore an annual fee as set out in Schedule 'B'. On payment of the license fee, the Town of Nanton will register the dog for that calendar year. Registered guide dogs must be licensed; however, they will be exempt from the annual fee.
- 3.10. The owner of every dog must obtain an annual license pursuant to Section 3.9 on or before the 31<sup>st</sup> day of January in each calendar year. The owner of all dogs newly acquired or an owner that takes up

- residence in the Town after January 31<sup>st</sup>, or owner of dogs that attain the age of three months after January 31<sup>st</sup> must obtain a license within seven (7) days following such an event.
- 3.11. Every owner must provide his dog with a collar to which the owner must affix the tag obtained for such dog and the owner must ensure that the collar and tag are worn by his dog during those occasions when the dog is not on the owner's premises.
  - 3.12. In case a tag is lost or destroyed, a replacement tag may be issued by the Town of Nanton upon presentation by the owner of a receipt showing payment of the license fee for the current dog license year and upon payment of the fee as per Schedule 'B'.
  - 3.13. Tags may be transferable from one dog to another at the discretion of the Animal Control Officer or License Officer.
  - 3.14. No refunds will be made for any license fee.
  - 3.15. Where a license required, pursuant to this bylaw, has been paid by the tender of an uncertified cheque, the license
    - 3.15.1. is issued subject to the cheque being accepted and cashed by the bank without any mention of this condition being made on the license, and
    - 3.15.2. is automatically revoked if the cheque is not accepted and cashed by the bank on which it is issued.
  - 3.16. In any prosecution or proceeding for a contravention of this bylaw, the burden of proof relating to the age of the dog will be upon the owner and unless the contrary is proven, the dog will be presumed to have attained the age of three months at the time relevant to the charge.
  - 3.17. The maximum number of dogs in a single-family dwelling or household will be restricted to two (2) dogs over the age of three months except in the case where an owner is in receipt of a Dog Fancier's License.
  - 3.18. The maximum number of dogs in a single-family dwelling or household that is issued a Dog Fancier's License is restricted to four (4) dogs over the age of three months. A Dog Fancier's License will be issued upon payment of the fee specified in Schedule 'B'. Each dog owned under a Dog Fancier's License must be licensed pursuant to Item 3.9.
  - 3.19. Upon receipt and investigation of a valid complaint under the provisions of this Bylaw, the Animal Control Officer has the authority to revoke the Dog Fancier's License.
  - 3.20. The Town of Nanton will establish such number of Animal Shelters and appoint such Animal Control Officers as are necessary to provide reasonable facilities for the impounding of dogs running at large.
  - 3.21. The owner of a dog must ensure that such dog is not running at large by
    - 3.21.1. securing the dog so that it would not be able to leave the premises of the owner, or
    - 3.21.2. ensuring that the dog is on a leash or adequately controlled at all times that it is off the owner's premises.
  - 3.22. Where a dog is found to be running at large, the owner thereof will be deemed to have failed or refused to comply with the requirements of Section 3.21.
  - 3.23. The owner of a female dog that is in heat must ensure that such female dog is not allowed in any location where it is a source of attraction for other dogs.
  - 3.24. The owner of a dog that defecates on property, other than his own, must remove, forthwith, any defecated material deposited.
  - 3.25. The owner of a dog must ensure that such dog will not become a public nuisance by
    - 3.25.1. molesting or in any way causing physical harm to pedestrians upon the streets, highways, parks or other public places in the Town; or
    - 3.25.2. chasing any other domestic animal, bicycles, automobiles or other vehicles upon the streets, highways, parks or other public places in the Town; or
    - 3.25.3. barking, howling or otherwise disturbing neighbors or the community at large; or
    - 3.25.4. causing damage to property or other domestic animals; or
    - 3.25.5. upsetting waste receptacles, scattering the contents in or about the streets, highways, lanes or other public places in the Town;
    - 3.25.6. entering flowerbeds of any park or public place in the Town;
    - 3.25.7. entering a pool or other body of water located in a public place in the Town.
  - 3.26. The owner of a domestic animal which is suffering from a communicable disease must
    - 3.26.1. not permit such domestic animal to be in any public place;
    - 3.26.2. not keep such animal in contact with or in proximity to any other animal which is free of such disease;
    - 3.26.3. keep the animal locked or tied up;
    - 3.26.4. immediately report the matter to the Health and Animals Branch of the local office of the Federal Department of Agriculture and the Town's Animal Control Officer.

- 3.27. The owner of any dog must not allow such dog to bite any person.
- 3.28. No person will own, keep, maintain or harbor a vicious domestic animal.
- 3.29. Section 3.28 does not apply to a trained police dog owned, kept, maintained or harbored by a law enforcement officer, active or retired.
- 3.30. No person will interfere with or attempt to obstruct an Animal Control Officer, Special Constable or License Officer who is attempting to capture, or who has captured any domestic animal in accordance with the provisions of this bylaw, or
  - 3.30.1. induce any domestic animal to enter a house or other place where it may be safe from capture, or otherwise assist the domestic animal to escape capture; or
  - 3.30.2. falsely represent himself as being in charge or control of a domestic animal so as to establish that the animal is not running at large; or
  - 3.30.3. unlock or unlatch or otherwise open the vehicle in which animals are kept for impoundment or attempt to allow any domestic animal to escape therefrom.
  - 3.30.4. remove or attempt to remove any domestic animal from the possession of the Animal Control Officer, or his designate.
- 3.31. No person will untie, loosen or otherwise free a domestic animal that has been tied or otherwise restrained.
- 3.32. No person will negligently or willfully open a gate, door or other opening in a fence or enclosure in which a domestic animal has been confined and thereby allow the domestic animal to run at large within the Town.
- 3.33. No person will tease, torment or annoy a domestic animal.

#### **4. ANIMAL CONTROL OFFICER / LICENSE OFFICER**

- 4.1. The Animal Control Officer, or his designate, will carry out the powers, duties and functions as set out in Schedule 'A'.
- 4.2. The License Officer, or his designate, will carry out the powers, duties and functions as set out in Schedule 'A'.

#### **5. ENFORCEMENT**

- 5.1. The Animal Control Officer, Special Constable or Peace Officer may capture and impound any domestic animal that
  - 5.1.1. is running at large;
  - 5.1.2. bites any person;
  - 5.1.3. is a public nuisance pursuant to Section 3.25;
  - 5.1.4. is actually or apparently over the age of three (3) months and for which no current license has been issued pursuant to the provisions of this bylaw;
  - 5.1.5. is required to be impounded pursuant to the provisions of any Statute of Canada, of the Province of Alberta or any regulation made hereunder.
- 5.2. The Animal Control Officer, Special Constable or Peace Officer may enter any privately owned premises, provided, however, that in this Section the word "premises" does not include a building, as is required to enforce the provisions of this bylaw.
- 5.3. If the Animal Control Officer knows or can ascertain the name of the owner of any impounded domestic animal, he will attempt to locate and advise the owner of the impoundment.
- 5.4. The owner of any healthy impounded domestic animal may reclaim the domestic animal from the animal shelter by paying the fees as set out in Schedule 'B' of this bylaw and by obtaining the annual license for any dog that is not licensed pursuant to the provisions of this bylaw.
- 5.5. Unclaimed domestic animals that have been impounded pursuant to the provisions of this bylaw may be sold, destroyed or taken to the Calgary SPCA or other such agency
  - 5.5.1. at the expiration of a seventy-two (72) hour period from the time a domestic animal was first impounded.
  - 5.5.2. For the purpose of calculating the seventy-two (72) hour period of the impoundment, the date of the impoundment will be included; however, Saturdays, Sundays and Statutory Holidays will be excluded.
- 5.6. The Animal Control Officer may retain a domestic animal for a longer period if, in his opinion, the circumstances warrant the expense.

- 5.7. The purchaser of a domestic animal from the animal shelter pursuant to the provisions of this bylaw will obtain full right and title to it and the right and title of the former owner to the domestic animal will cease thereupon.
- 5.8. Impounded domestic animals will be sold for no less than charges and costs levied against said animal.
- 5.9. Any person desiring to purchase an unsterilized dog must pay in addition to the purchase price, the license fee as set out in Schedule 'C' for an unsterilized dog. A sum equivalent to the difference between the license fee for an unsterilized animal and a sterilized animal will be returned to the new owner upon receipt by the Animal Control Officer of a certificate from a veterinarian confirming sterilization of the dog not more than thirty (30) days from date of sale.
- 5.10. No impounded dog will be sold by the Animal Control Officer
  - 5.10.1. to any resident of the Town until a license has first been purchased for the dog by the resident; or
  - 5.10.2. to any non-resident of the Town until they have completed an Affidavit of Non-Residence as per Schedule 'D'.
- 5.11. Where an Animal Control Officer, Special Constable or Peace Officer believes that any person has contravened any provision of this bylaw, he may serve upon such person a violation ticket.
- 5.12. A Violation Ticket will be deemed to have been sufficiently served
  - 5.12.1. if served personally on the accused; or
  - 5.12.2. if sent by registered mail; or
  - 5.12.3. if left at the accused's usual place of abode with an inmate thereof who appeared to be at least eighteen (18) years of age or over; or
  - 5.12.4. if sent by regular mail.
- 5.13. All Violation Tickets issued must contain the section of the bylaw which was contravened, provide for a voluntary payment amount pursuant to the provisions of this bylaw, and/or provide for a date, time and location for an appearance in Court should the accused exercise his right to defend any charge(s) pursuant to the provisions of this bylaw.
- 5.14. Any person or owner who commits a contravention of any of the provisions of this bylaw will be liable upon summary conviction by any Court of competent jurisdiction, to a fine not exceeding two thousand five hundred (\$2 500.00) dollars and costs and in default of payment to imprisonment for a period not exceeding ninety (90) days.

**6. EFFECTIVE DATE AND READINGS:**

- 6.1. Bylaws #867/86, 956/92 and 992/94 are hereby repealed
- 6.2. This Bylaw will become effective January 1, 2001.
- 6.3. Read a first time this 13<sup>th</sup> day of November, A.D., 2000
- 6.4. Read a second time this 13<sup>th</sup> day of November, A.D., 2000
- 6.5. Read a third time and finally passed this 13<sup>th</sup> day of November, A.D., 2000

**TOWN OF NANTON**

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**CHIEF ELECTED OFFICIAL**

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**CHIEF ADMINISTRATIVE OFFICER**

## **SCHEDULE 'A'**

### **Animal Control Officer and License Officer**

#### **ANIMAL CONTROL OFFICER**

The Animal Control Officer, or his designate, will be responsible for the enforcement of the provisions of this bylaw.

The Animal Control Officer, or his designate, will:

- Respond to and investigate complaints made regarding any contraventions of this bylaw.
- Capture and impound all domestic animals he deems required to be impounded pursuant to the provisions of this bylaw, any Statute of Canada or the Province of Alberta, or of any regulations made hereunder.
- Maintain adequate records of complaints and/ or contraventions of this bylaw or the Dangerous Dogs Act, including details of any subsequent investigation and / or action taken with respect to such investigation.
- Maintain adequate records relating to impounded domestic animals and the disposition of such animals.
- Maintain general supervision and control of the animal shelter.
- Maintain adequate records with respect to the operation of the animal shelter.
- Provide that the domestic animals impounded in the animal shelter receive adequate care and sufficient food and water.
- Maintain the animal shelter in a safe and sanitary condition.
- Report any apparent illness, communicable disease, injury or unhealthy condition of any domestic animal impounded in the animal shelter to a veterinarian, should such a condition warrant veterinary attention.
- Dispose of all domestic animals as required in this bylaw through euthanasia by needle to be performed by a veterinarian.
- Perform the duties as described for the License Officer as required.

#### **LICENSE OFFICER**

The License Officer will process dog registrations and maintain records with respect to:

- Name and municipal address of the owner.
- Breed, color, sex and sterilization information for each dog registered.
- Dog tag numbers assigned to each registered dog.

The License Officer will collect:

- All fees for the registration of dogs, purchase of dog fancier's licenses and fees for replacement tags.
- All fees and charges levied pursuant to the provisions of this bylaw for impoundment, care and sustenance, veterinary care and/or euthanasia.

**SCHEDULE 'B'****Fee Schedule****DOG LICENSES**

The owner of a dog, male or female, must pay the following annual license fee for each calendar year:

**PRIOR TO DEADLINE:**

Sterilized - \$15.00  
Unsterilized - \$30.00

**AFTER DEADLINE:**

Sterilized - \$25.00  
Unsterilized - \$40.00

Notwithstanding the foregoing, the license fee will be as follows:

After June 30:

Sterilized - \$10.00  
Unsterilized - \$20.00

After September 30:

Sterilized - \$ 7.50  
Unsterilized - \$15.00

These fees are applicable to those dogs becoming eligible for license by reason of birth date, acquisition by new owners, or owners becoming new residents of the Town of Nanton.

Registered Guide Dog - EXEMPT

Dog Fancier's License - \$40.00  
(In addition to regular license fee per dog)

Replacement Tags - \$ 2.00

**IMPOUND / CARE/ EUTHANASIA FEES**

- Impoundment Fees \$30.00
- Care and Sustenance \$10.00
- Release outside regular business hours \$40.00
- Veterinary Fees \$ Amount Expended
- Euthanasia Fees \$ Amount Expended

**SCHEDULE 'C'****Penalties for Violations**

<b><u>Section</u></b>	<b><u>Violation</u></b>	<b><u>1<sup>ST</sup> Offence</u></b>	<b><u>2<sup>nd</sup> Offence</u></b>	<b><u>3<sup>rd</sup>/Subsequent</u></b>
3.9	Unlicensed dog	\$ 50.00	\$ 80.00	\$150.00
3.17 /.18	Exceed maximum number of dogs per household	\$ 50.00	\$ 80.00	\$150.00
3.21	Running at large	\$ 50.00	\$ 80.00	\$150.00
3.23	Female dog a nuisance while in heat	\$ 50.00	\$ 80.00	\$150.00
3.24	Defecation	\$ 50.00	\$ 80.00	\$150.00
3.25	Public Nuisance	\$ 50.00	\$ 80.00	\$150.00
3.26	Communicable disease	\$100.00	\$150.00	\$250.00
3.27	Biting	\$100.00	\$150.00	\$250.00
3.28	Vicious dog	\$100.00	\$150.00	\$250.00
3.30	Obstruction	\$100.00	\$150.00	\$250.00
3.31 / 3.32	Free a confined animal	\$ 50.00	\$ 80.00	\$150.00
3.33	Torment / tease an animal	\$ 50.00	\$ 80.00	\$150.00

Offences will be sequentially designated as 2<sup>nd</sup> or 3<sup>rd</sup>/subsequent, if they occur within one year of the first offence.

