



TOWN OF GIBBONS

Animal Control Bylaw

Bylaw PI 3/21

A BYLAW OF THE TOWN OF GIBBONS IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE LICENSING, REGULATING AND CONFINEMENT OF DOGS, CATS AND DOMESTIC PETS WITHIN THE TOWN OF GIBBONS.

WHEREAS under provisions of the Municipal Government Act, being chapter M-26, Section 146.1 of the Revised Statutes of Alberta 2000 or thereof amended, Council may pass bylaws for the purpose of controlling animals within the Town of Gibbons.

NOW THEREFORE the Council of the Town of Gibbons, in the province of Alberta, hereby enacts as follows:

1. TITLE

- 1.1 This bylaw may be cited as the Animal Control Bylaw
- 1.2 This Bylaw shall apply to all land within the Town of Gibbons Municipal Boundaries identified in the Land Use Bylaw, which shall apply to the whole Town of Gibbons, together with the definitions contained herein.

2. DEFINITIONS

- 2.1 **“Animal Control Officer”** means the person or persons appointed as such from time to time by the CAO to do any act or perform any duties under this Bylaw and includes a member of the Royal Canadian Mounted Police, and when authorized, a member of a Municipal Police Force, a Peace Officer and a Bylaw Enforcement Officer.
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- 2.2 **“At Large”** when used in reference to a dog, means a dog that is not on or within the property of the dog’s owner, unless the dog is restrained by a Permitted Leash, and under the effective control of a person.
- 2.3 **“CAO”** mean the Chief Administrative Officer of the Town of Gibbons.
- 2.4 **“Cat”** means any feline animal.
- 2.5 **“Kitten”** means any feline animal under 1 year of age.
- 2.6 **“Damage to Public or Private Property”** shall include defecating and/or urinating on such property.
- 2.7 **“Dog Handler”** means a person who is responsible for a dog.
- 2.8 **“Domestic Pet”** means an animal which is normally kept inside a dwelling. Domestic Pet includes, dogs, cats, parrots, and other similar-sized animals, but does not include livestock.
- 2.9 **“Enforcement Services Committee”** means a committee comprised of an Animal Control Officer and 2 Peace Officers.
- 2.10 **“Kennel”** means any place owned by any person, group of people, or corporation engaged in the commercial business of breeding, buying, selling, or boarding dogs or cats.
- 2.11 **“Livestock”** means livestock as defined in the *Agricultural Operations Practices Act*. This includes, but is not limited to, poultry, horses, cattle, sheep, swine, goats, bison, and fur bearing animals.
- 2.11 **“Motor Vehicle”** means a vehicle propelled by any power other than muscular power but does not include a bicycle, a power bicycle, an aircraft, an implement of husbandry or a Motor Vehicle that runs on rails.
- 2.12 **“Municipal Shelter”** means the premises designated by the Town for the Purpose of impounding and caring for all dogs or cats found to be At Large in violation of this Bylaw.
- 2.13 **“OHV”** means Off Highway Vehicles as defined by the Traffic Safety Act, R.S.A. 2000, c.T-6.
- 2.14 **“Owner”** means and includes any person owning, possessing, having the charge or control over, harbouring, suffering or permitting any dog or cat to remain about his house or property.
- 2.15 **“Permitted Leash”** means a leash used to restrain a dog or cat, which is sufficiently strong for that purpose and does not exceed 2 meters in length.
- 2.16 **“Public Property”** means any property within the Town owned, occupied by the Government of Canada, Government of Alberta or by the Town, or otherwise under the control and management of the Town.

- 2.17 **“Puppy”** means any dog that is under 1 year of age.
- 2.18 **“Serious Wound”** means an injury caused by a dog or cat which results in skin being broken or flesh being torn.
- 2.19 **“Secure Enclosure”** means a building, cage or fenced area of such construction that will not allow a dog/cat/domestic pet confined therein to jump, dig, or otherwise escape from or allow entry of young children.
- 2.20 **“Service Dog”** means a dog that has been specifically trained to perform specific tasks to assist a person with disabilities and is certified as a service dog.
- 2.21 **“SPCA”** means the Society for the Prevent of Cruelty to Animals.
- 2.22 **“Town”** means all zoned areas of Gibbons as referred to in Section 1.2.
- 2.23 **“Violation Tag”** means a Violation Tag issued under the authority of the Town which complies with subsection 7.3 hereof.
- 2.24 **“Violation Ticket”** means a Violation Ticket issued pursuant to the provisions of Part 2 or Part 3 of the *Provincial Offences Procedure Act, T.S.A. 2000, c P-34 (“POPA”)*, or the regulations thereunder.

3. RESPONSIBILITIES OF OWNER

- 3.1 No person shall own, keep or harbour any dog or cat within the limits unless such dog or cat is licensed as herein provided.
- 3.2 The Owner of every dog or cat in the Town shall, each year, pay to the Town the appropriate license fee, as set out in the Municipal Master Rates Bylaw. A puppy or kitten may be licensed at the neutered rate until the animal is 1 year of age.
- 3.3 The Owner of a Service Dog must register their dog with the Town and is eligible to receive the license free of charge.
- 3.4 Every person who resides within the limits of the Town and being the Owner of a dog or cat, shall between the 1st and 31st day of January in each year, obtain a license for the current year commencing on the 1st day of January at the Town Office.
- 3.5 All dogs and cats that cannot be neutered or spayed due to medical concerns (with provision of letter from a veterinarian) are to be eligible to pay the same license fee as those considered to be neutered and spayed.
- 3.6 Every person residing in the Town who becomes the Owner of a dog or cat or a person who takes up residence within the Town and who is the Owner of a dog or cat which is currently not licensed in accordance with this Bylaw, shall register the dogs or cats and

- pay the license fee provided within 30 days after becoming the Owner of a dog or cat or being the Owner of a dog or cat and taking up residence within the Town.
- 3.7 Dog and Cat Owners shall provide the Town with the following information with each application for a dog or cat license:
- 3.7.1 Name and address of Owner;
- 3.7.2 Name and description of dog or cat; and
- 3.7.3 Such other relevant and necessary information as may be required by the Town in respect to the application.
- 3.8 Licenses issued under this Bylaw shall not be transferable from one dog or cat to another.
- 3.9 Upon payment of the required license fee, the Owner shall be supplied with a license tag stamped with a number.
- 3.10 Every Owner shall ensure that the license tag is securely fastened to a choke chain, collar or harness, which must always be worn by the dog or cat, whenever the dog or cat is on any place other than the property of the Owner.
- 3.11 The provisions of subsections 3.1 to 3.9 inclusive shall not apply to persons temporarily in the Town for a period not exceeding 2 weeks nor to holders of a valid development permit authorizing operation of a private and/or boarding Kennel.
- 3.12 All dogs or cats must be kept on a leash at all times when off its Owner's premises unless it is in a designated area that allows dogs to be off its leash.
- 3.13 When a dog is in a designated area that allows dogs to be off leash, the Owner or any other person having care of the dog will carry with them a leash for the dog.
- 3.14 When a dog is in a designated area that allows dogs to be off leash, the Owner shall have control of the dog.
- 3.15 No dog or cat shall be At Large in the Town. The Owner of any dog or cat found At Large in the Town shall have committed an offence under this Bylaw.
- 3.16 The Owner of a female dog or cat shall keep such female dog or cat housed and confined in a building during the whole period such female dog or cat is in heat, except that she may be allowed outside the said building for the sole purposes of defecating or urinating on the property of the Owner.
- 3.17 No dog or cat shall cause damage to Public or Private Property in the Town. The Owner of any dog or cat found causing damage to Public or Private Property in the Town shall have committed an offence under this Bylaw.
- 3.18 No dog or cat shall at any time, be in an area where a sign prohibits the presence of dogs or cats whether At Large or under the control of its Owner, or any other person, or

- at all. The Owner of any dog or cat found in such signed areas shall have committed an offence under this Bylaw.
- 3.19 The Town shall post signs indicating Public Property within the Town where dogs or cats are not permitted.
- 3.20 Any dog or cat which bites a person, shall be promptly reported to the Animal Control Officer and may be quarantined at the direction of the Animal Control Officer and shall not be released from such quarantine except by written permission of the Veterinarian at the Municipal Animal Shelter. At the discretion of the Animal Control Officer such quarantine may be on the premises of the Owner or at the Municipal Animal Shelter. In the case of stray dogs or cats whose ownership is not known such quarantine shall be at the Municipal Animal Shelter.
- 3.21 Upon demand made by the Animal Control Officer, the Owner shall surrender any dog or cat which has bitten a human, or which is suspected of having been exposed to rabies, for supervised quarantine and which expense shall be borne solely by the Owner, and the dog or cat may be reclaimed by the Owner if deemed free of rabies, upon payment of confinement expenses and upon compliance with the licensing provisions of this Bylaw.
- 3.22 In the event of an outbreak or a threatened outbreak of rabies or any disease affecting dogs or cats which may be transmitted to human beings, the Town may, by resolution, order and direct that all dogs and cats shall be securely tied up by the Owner or shall be otherwise effectively confined and prevented from being At Large. Any dog or cat found At Large in contravention of this section shall be impounded.
- 3.23 When a dog or cat under quarantine has been diagnosed as rabid, or suspected by a licensed Veterinarian as being rabid, and dies while under such observation, the Animal Control Officer shall immediately send the head of such dog to the appropriate Health Department for pathological examination and shall notify the Medical Officer of Health for the Town of reports of human contacts, and the diagnoses made of the suspected dog or cat.
- 3.24 During such period of rabies quarantine as mentioned in this Bylaw, every animal bitten by a dog or cat deemed to be rabid shall be immediately destroyed, or at the Owner's expense and option, shall be treated for rabies infection by a licensed Veterinarian or held under quarantine by the Owner in the same manner as other dogs and cats are quarantined.
- 3.25 Except as provided in this Bylaw, no person shall kill or caused to be killed any rabid dog or cat, any dog or cat suspected of having been exposed to rabies, or any dog or cat which has bitten a human, nor remove the same from the Town without written permission from the Animal Control Officer.
- 3.26 The carcass of any dead dog or cat exposed to rabies shall, upon demand, be surrendered to the Animal Control Officer.
- 3.27 The Animal Control Officer shall direct the disposition of any dog or cat found to be infected with rabies.

- 3.28 When, in the judgement of a licensed Veterinarian, a dog or cat should be destroyed for humane reasons, such dog or cat may not be redeemed.
- 3.29 No action shall be taken against any person acting under the authority of this Bylaw for damages for the destruction or other disposal of any dog or cat.
- 3.30 No person shall interfere with, hinder, or molest the Animal Control Officer appointed to enforce the provisions of this Bylaw, in the performance of any duty authorized by this Bylaw.
- 3.31 No person shall interfere with, hinder, or molest any person engaged in taking to the Municipal Animal Shelter, any dog or cat liable to be impounded under the provisions of this Bylaw.
- 3.32 No person shall remove, or attempt to remove, any dog or cat from the possession of the Animal Control Officer, or any person authorized to enforce any of the provisions of this Bylaw.
- 3.32 No person shall keep more than 4 animals on any parcel of land of which no more than 3 may be dogs unless:
- 3.32.1 Those dogs or cats are less than 6 months of age; or
- 3.32.2 The person has obtained a development permit authorizing the person to keep more than 3 dogs on that parcel of land and have obtained and openly display a Town issued sign or sticker stating such; or
- 3.32.3 They receive prior written permission from the CAO.
- 3.34 No person shall operate an animal breeding or animal boarding facility any residential district in the Town.
- 3.35 Animal Sitting:
- 3.35.1 At no time shall the number of weaned dogs and/or weaned cats exceed 4 of which 3 can be dogs during the period of animal sitting, including those of the sitter.
- 3.35.2 No person shall animal sit for animals licensed in the Town of Gibbons, in a residential district for a period exceeding 6 months.
- 3.35.3 No person shall animal sit for animals not licensed in the Town of Gibbons, in a residential district for a person exceeding 30 days.
- 3.36 If a dog defecates on Public or Private Property other than the property of its Owner, the dog or cat Owner shall cause such defecation to be removed immediately and an Owner who fails to cause such defecation to be removed is guilty of an offence.
- 3.37 The Owner shall be in possession of a proper Removal Bag to be used for immediate remove of defecation on Public or Private Property. If the Owner is found to not be in

possession of a proper Removal Bag for the immediate removal of defecation is guilty of an offence.

- 3.38 If the defecation by a dog or cat on an Owner's property is to the extent that excessive odour results, the Owner shall immediately remove the defecation on notice from an Animal Control Officer or the Health Department.
- 3.39 No person shall keep or harbour livestock within a residential district of Town.

4. NUISANCE

- 4.1 An owner of a dog or cat that:
- 4.1.1 Howls or barks excessively or in a manner to interfere with the use and or enjoyment of one's property.
 - 4.1.2 Which without provocation, bites, attempts to bite, barks at, chases any person on a bicycle, on horseback, a person while walking or running, on an OHV, motor vehicle or otherwise attempts to threaten any person, domestic pet or livestock whether on the Owner's Property or not; or
 - 4.1.3 Does any other act which causes harm, damage, or injury to another dog, cat person, domestic pet, livestock, or property.

Shall be deemed to have failed or refused to comply and will be subject to enforcement action pursuant to this Bylaw.

5. VICIOUS DOGS

- 5.1 An Enforcement Services Committee may declare a dog to be a Vicious Dog if:
- 5.1.1 Any dog, in the opinion of the Enforcement Services Committee, has a propensity, tendency, or disposition to attack, without provocation, other domestic pet or humans; or
 - 5.1.2 Any dog which, without provocation, chased, injured, or bitten any human, domestic pet, or livestock; or
 - 5.1.3 Any dog which, has without provocation, damaged or destroyed, any public or private property; or
 - 5.1.4 Any dog which, has without provocation, threatened or created the reasonable apprehension of threat to another human, domestic pet or livestock; and which in the opinion of the enforcement Services Committee presents a threat of serious harm to humans, domestic pets or livestock; or

- 5.1.5 Any dog which has been previously declared to be a Vicious Dog; or
- 5.1.6 The Committee determines, on reasonable grounds, either through personal observations, or based upon facts, determined after an investigation, that the dog is vicious.
- 5.2 Any dog subject to an order or direction of a Judge or Justice, pursuant to the *Dangerous Dogs Act R.S.A. 2000, c. D-3*, as amended, is by virtue of that order a Vicious Dog and subject to all the conditions imposed by this bylaw.
- 5.3 A dog shall not be declared vicious if it attacks or bites a trespasser on the property of its Owner, or property controlled the Owner.
- 5.4 Upon a dog being declared to be a Vicious Dog, an Animal Control Officer:
 - 5.4.1 Shall give the Owner written notice by personnel services or by mail to the address on Town record within 15 days of such determination;
 - 5.4.2 Requires the owner to keep the Vicious Dog in accordance with the provisions of Section 5 of this Bylaw; and
 - 5.4.3 Inform the Owner that if the Vicious Dog is not kept in accordance with Section 5 of this Bylaw, the Owner will be subject to enforcement action pursuant to this Bylaw.
- 5.5 An Owner of a Vicious Dog:
 - 5.5.1 Shall not allow the Vicious Dog to enter Public Property, or private property of which the Owner is not the Registered Owner, unless the Vicious Dog is muzzled and held and controlled by the Owner, or a person with the Owner's consent, by a Permitted Leash; and
 - 5.5.2 Shall ensure, at all times, that the Vicious Dog, while on the Owner's Property, is confined within a secure enclosure, and such enclosure means a locked building, cage or fenced area of such construction that will not allow the confined dog to jump, climb, dig or force their way out, or allow the entry of any person not in control of the dog and not allow the dog out of the secure enclosure unless muzzled and held and controlled by the Owner, or a dog handler operating with the Owner's consent, by a Permitted Leash; and
 - 5.5.3 Shall immediately surrender the Vicious Dog to the designated Animal Control Officer upon request at which time the Animal Control Officer may have the Vicious Dog impounded and evaluated to determine its risk to human safety.
 - 5.5.4 Shall license a Vicious Dog and provide the following information:
 - A recent photograph of the dog and details of any identifying marks, tattoos, or microchips; and
 - Current vaccination records and medical history

- 5.5.5 Shall inform the Animal Control Officer if the Vicious Dog leaves the Town permanently; and
- 5.5.6 Will post a sign supplied by the Town at each entrance of the property alerting the public to the fact that a Vicious Dog is located on the premises. The first 2 signs will be supplied free of charge, additional signs will be available at the expense of the land or dog owner; and
- 5.5.7 Which without provocation, bites, attempts to bite, barks at, chases any person on a bicycle, on horseback, a person while walking or running, on a OHV, or otherwise attempts to threaten any person, domestic pet, or livestock whether on the Owner's Property or not; and
- 5.5.8 Shall not allow a Vicious Dog to be at large; and
- 5.5.9 Shall immediately notify the Animal Control Officer should the dog be at large; and
- 5.5.10 Shall ensure license tag is worn when Vicious Dog is off Register Owner's Property; is guilty of an offence.

6. POWERS OF AN ANIMAL CONTROL OFFICER

- 6.1 The Animal Control Officer is authorized to seize, capture, and impound in the Municipal Animal Shelter, all dogs and cats found in contravention of this Bylaw. The Animal Control Officer is further authorized to take such reasonable measures as necessary to subdue such dogs and cats, including use of tranquilizer equipment and materials. If any such dog or cat is seriously injured, it shall be taken to a Veterinarian for treatment to relieve pain or bleeding, then immediately to the Municipal Animal Shelter.
- 6.2 All impounded dogs and cats shall be kept in the Municipal Animal Shelter for a minimum period of 72 hours. Sundays and Statutory Holidays shall not be included in the computation of the 72-hour period. During this period, any healthy, sick, or injured dog or cat may be redeemed by its Owner, upon payment to the Town, or its authorized agent of:
 - 6.2.1 the appropriate penalty, as set out in the Municipal Master Rates Bylaw which shall be refunded to a person who successfully defends a charge under this Bylaw;
 - 6.2.2 the appropriate license fee when a dog is not licensed; or
 - 6.2.3 the cost of any veterinary treatment to relieve pain and/or injury of any dog or cat that is found to be injured when impounded.
- 6.3 At the expiration of the 72-hour period, any unlicensed dog, cat, or domestic pet may be transferred to the Edmonton Humane Society.

7. OFFENCES

- 7.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine as set out in the Municipal Master Rates Bylaw.
- 7.2 Notwithstanding section 7.1 of this Bylaw, any person who commits a second or subsequent offence under this bylaw within 1 year of committing the first offence shall be liable to a fine of not less than the double sum as set out in the Municipal Master Rates Bylaw.

8. VIOLATION TAGS

- 8.1 An Animal Control Officer is hereby authorized and empowered to issue a Violation Tag to any person who contravenes any provision in this Bylaw.
- 8.2 Such Violation Tag may be issued to such person:
- 8.2.1 Either personally or by leaving a copy for him at his last or most usual place residence; or
 - 8.2.2 by mailing a copy to such person to his last known address.
- 8.3 The Violation Tag shall state,
- 8.3.1 The name of the offender;
 - 8.3.2 The offence
 - 8.3.3 The appropriate fine for the offence as specified in the Municipal Master Rates Bylaw and;
 - 8.3.4 That the fine shall be paid within 30 days of the issuance of the Violation Tag.
- 8.4 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags for the same offence may be issued by an Animal Control Officer, provided however, that no more than one Violation Tag shall be issued for each day that the contravention continues.
- 8.5 Where a Violation Tag is issued pursuant to Section 7 of this Bylaw, the person to whom the Violation Tag is issued, may in lieu of being prosecuted for the offence, pay to the Town the sum specified on the Violation Tag.

9. VIOLATION TICKET

- 9.1 If the fine specified on a Violation Tag is not paid within the prescribed time period, then an Animal Control Officer is hereby authorized and empowered to lay a complaint and issue a Summons by means of a Violation Ticket.
- 9.2 The Violation Ticket shall be in the form prescribed by Alberta Regulation 233/89, as amended, being the Procedures Regulation pursuant to POPA.
- 9.3 Nothing in this Bylaw shall prevent an Animal Control Officer from immediately issuing a Violation Ticket.

10. SEVERABILITY

- 10.1 Should any provision of this Bylaw become invalid, void, illegal or otherwise unenforceable, it shall be considered separate and severable from the Bylaw and the remainder shall remain in force and be binding as though such provision had not been invalid.

11. ENACTMENT

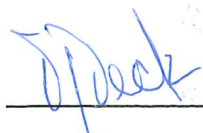
This Bylaw shall come into force and effect when it receives Third Reading and is duly signed thereof.

Bylaw PI 2-21 and all subsequent amendments is now repealed.

Read a first time this 25th day of August 2021.

Read a second time this 25th day of August 2021.

Read a third and final time 25th day of August 2021.



Mayor



Assistant Chief Administrative Officer