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**A BYLAW OF THE TOWN OF ONOWAY, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF LICENSING, REGULATING AND CONTROLLING DOGS, CATS, WILD AND DOMESTIC ANIMALS WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN OF ONOWAY**

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WHEREAS, Section 7 and 8 of the Municipal Government Act, Chapter M-26, 2000 with amendments in force as of April 1, 2018, provides that a Council of a Municipality may pass a bylaw for the safety, health and welfare of people and the protection of people and property, nuisances, and the licensing of animals and the licensing and activities in relation to wild and domestic animals;

AND WHEREAS, the Council of the Town of Onoway deems it in the best interest and the protection of the animal owners and the public in general for the Town of Onoway to regulate control of animal within its boundaries and to provide for the enforcement of the Dangerous Dogs Act;

AND WHEREAS, the Council of the Town of Onoway deems it expedient to license dogs and cats in the Town of Onoway and to hold an Animal List of all other animals that are held on property within the municipal boundary of Onoway;

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

SECTION 1            TITLE

1.        This Bylaw may be cited as "The Town of Onoway Animal Control Bylaw".

SECTION 2            PURPOSES

2.        The purposes of this Bylaw shall be:
  - 2.1      To prevent wild and domestic animals from becoming a nuisance in the Town of Onoway;
  - 2.2      To prevent wild and domestic animals from endangering any person, other animal or property within the Town of Onoway;
  - 2.3      To prevent wild and domestic animals from creating a health hazard in the Town of Onoway;
  - 2.4      To permit responsible individuals to own a reasonable number of wild and domestic animals in their homes;

- 2.5 To permit responsible business people to raise, harbor, and breed wild and domestic animals under appropriate conditions;
- 2.6 To permit handicapped persons to keep trained dogs to assist them in their daily living; and
- 2.7 To permit responsible business people and homeowners to keep trained animals as part of business or personal security programs.

SECTION 3            DEFINITIONS

- 3. For the purpose of this Bylaw:
  - 3.1 **"Animal"** means a vertebrate other than a human (any wild and domestic animals, including but not limited to pigs, sheep, cattle, horses, fowl, goats, fishes, amphians or reptiles);
  - 3.2 **"Animal Control Officer"** means a Bylaw Enforcement Officer, Community Peace Officer, Public Works Employee of the Town of Onoway or any person or persons appointed by Council or the Municipal Manager to the position of Animal Control Officer whose duties entail carrying out the provision of this Bylaw, and to inspect licenses as required by the Town Council of Onoway and its administrative supervisors; and dealing with complaints, verbal and written, documenting same and providing reports as required by the Town Council of Onoway and its administrative supervisors;
  - 3.3 **"At Large"** means off the premises of the owner or harbourer, not on a leash and/or not under the immediate, continuous and effective control of a competent person. Without limiting the generality of the foregoing, a wild or domestic animal shall be deemed to be at large within the Town of Onoway if it is on any public street, land or park, or if it is on any private property or premises within the Town of Onoway without the permission of the owner or occupant, thereof;
  - 3.4 **"Abused"** means any wild or domestic animal which is:
    - 3.4.1 Mistreated, beaten, tormented or teased; or
    - 3.4.2 Teased, tormented or annoyed by any animal; or
    - 3.4.3 Deprived of water, food or shelter; or
    - 3.4.4 Left unattended in a motor vehicle without adequate ventilation or temperature control; or
    - 3.4.5 Kept under unsanitary conditions; or
    - 3.4.6 Ignored, abandoned, or distressed; or

- 3.4.7 Trained for fighting other animals;
- 3.5 **"Cat"** means any male or female member of the species *Felis catus* or *Felis domesticus* (Felidae Family);
- 3.6 **"Collar"** means any device made of leather, chain or other matter, capable of having metal tags securely fastened to it and designed and solely intended to be worn around the neck or leg of wild or domestic animals;
- 3.7 **"Communicable Disease"** means any disease due to an infectious agent, illness or toxic product which is transmitted directly or indirectly to a well person or animal from an infected animal and shall include, but is not limited to: distemper, rabies, canine parvo and/or parainfluenza; as per the Animal Protection Act;
- 3.8 **"Control"** means the animal is:
  - 3.8.1 Under immediate effective control of some person and restrained by a leash not exceeding six (6) feet in length; or
  - 3.8.2 Kept in a container, an enclosure or a motor vehicle;
- 3.9 **"Council"** means the duly elected Town Council for the Municipal Corporation of the Town of Onoway;
- 3.10 **"Day"** means a continuous period of twenty four (24) hours or part thereof;
- 3.11 **"Dog"** means any male or female species of the Canidae family;
- 3.12 **"Domestic Animal"** means animals of a species of vertebrates or invertebrates that have been domesticated by humankind so as to live and breed in a tame condition or which depend on humankind for survival, or for agricultural use or for resale and shall include, but not be limited to pigs, horses, sheep and poultry. It shall include such animals that have been domesticated for and kept as pets and shall include but not be limited to cats, pigeons, fishes, amphians, reptiles and rabbits;
- 3.13 **"Guide Dog"** means a specially trained dog kept by any handicapped person for the express purpose of compensating for or ameliorating the effects of that person's handicap;
- 3.14 **"Identification Tag"** means a tag issued by the Town of Onoway to an owner who paid the prescribed license fee and upon registration of a dog or cat as defined by this Bylaw. Such identification tag, together with a dated receipt for the fees constitutes a license to keep the animal described on the receipt;
- 3.15 **"Keep"** means to own, possess, harbor, maintain or have control or custody of an animal;

- 3.16 **"Keeper"** means a person who owns, possesses, harbors, maintains or has control or custody of an animal;
- 3.17 **"Kennel"** means any one location, shelter, room, dwelling or place where three (3) or more of the same animals (exception are fishes) are harboured at any time, except for premises used for the care and treatment of animals operated by a qualified veterinarian nor does it include premises known as the pound as defined by this Bylaw;
- 3.18 **"Leash"** means a lead not harmful to the animals and shall not be more than six (6) feet long;
- 3.19 **"License Fees"** means the license issued under the provisions of this Bylaw for the Keeping of an animal in the Town of Onoway, the amount is prescribed in "Schedule A" attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council;
- 3.20 **"Municipal Manager"** means the Chief Administrative Officer, who is duly appointed to that position for the Town of Onoway at any given time and includes any person authorized to act for and in the name of that individual;
- 3.21 **"Municipality"** means the Town of Onoway in the Province of Alberta;
- 3.22 **"Offence Tag"** means a ticket, tag or similar document issued for any bylaw offence as an alternative to the issuance of a Summons;
- 3.23 **"Owner"** means and includes any keeper, person, partnership, associate or corporation, owning, possessing or having charge of or control over any animals or harbouring or having charge of any animal, or suffering or permitting any animal to remain about his or her house, property or premises either temporarily or permanently and where the owner is a minor, the person responsible for the custody of the minor;
- 3.24 **"Peace Officer"** means each and every member employed and duly sworn in as a Bylaw Enforcement Officer or Special Constable Community Peace Officer in the Town of Onoway. It shall also mean any R.C.M.P. officer;
- 3.25 **"Police Dog"** means a dog of any breed owned by the Royal Canadian Mounted Police for the purpose of aiding in law enforcement and trained or in training for that purpose;
- 3.26 **"Pound"** means the premises designated by the Municipal Manager for the Town of Onoway for the purpose of impounding all animals found to be at large in violation of this Bylaw and caring for tagged animals whose owners are not available for the immediate return of the animal;
- 3.27 **"Pound Keeper"** means the person or persons owning and/or operating a place designated by the Municipal Manager of the Town of Onoway to be operated as a Pound;

- 3.28 **"Public Nuisance"** with respect to the activities of any animals includes but is not limited to:
- 3.28.1 Biting a person or persons;
  - 3.28.2 Chasing people, bicycles, automobiles or other vehicles;
  - 3.28.3 Excess noise such as but not limited to barking, snarling, howling or otherwise disturbing any person or animal;
  - 3.28.4 Causing damage to property, other animals or person;
  - 3.28.5 Upsetting waste receptacles or scattering the contents thereof; or
  - 3.28.6 Being left unattended in any motor vehicle unless the dog is restricted so as to prevent access to persons as long as such restraint provides for suitable ventilation.
- 3.29 **"R.C.M.P."** means the Royal Canadian Mounted Police;
- 3.30 **"Register"** means a listing held by the Town of Onoway, which is acknowledgement of animals other than dogs and cats, and which is kept for the purpose of public safety and to facilitate return of registered animals to owner of same; and
- 3.31 **"Seeing Eye Dog" means** a specially trained dog kept by any handicapped person for the express purpose of compensating for or ameliorating the effects of that person's handicap;
- 3.32 **"S.P.C.A."** means the Society for the Prevention of Cruelty to Animals in the Province of Alberta;
- 3.33 **"Stray"** means an animal without an owner who is responsible for the housing, feeding and health of such animal;
- 3.34 **"Vicious Animal"** means an animal of any age, breed or gender which:
- 3.34.1 Shows or demonstrates a propensity, disposition or potential to attack or bite or injure, without provocation, humans or other animals; or
  - 3.34.2 Without provocation, chases, bites or attacks humans or other animals; or
  - 3.34.3 Poses a continuing threat of serious harm to other animals or humans; or
  - 3.34.4 Is bred or trained for the activity of "fighting"; or
  - 3.34.5 Has been used by any person in the activity of "fighting"; or

- 3.34.6 Has been declared a Vicious Animal under this Bylaw or a Dangerous Animal under the Dangerous Dogs Act;
- 3.35 **"Violation Ticket"** means a violation ticket as defined by this Bylaw;
- 3.36 **"Wild Animal"** mean animals that have not been domesticated for agricultural use.

#### **SECTION 4            LICENSING AND REGISTER**

- 4. Provisions of licensing and register shall be:
  - 4.1 All persons bringing any wild or domestic animal or animals (this section does not deal with Dogs or Vicious Animal or Animals) within the boundaries of the Town of Onoway to keep within the boundaries of the Town of Onoway shall license their dog or cat and register them with the Town of Onoway. The owner of a dog or cat who doesn't license and registered them shall have committed an offence under this Bylaw, and shall be subject to a fine for the offence as per "Schedule B" attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council; unless:
    - 4.1.1 The dog is a puppy no more than six (6) months; (except if it is a vicious animal)
    - 4.1.2 The cat is a kitten no more than twelve (12) weeks;
    - 4.1.3 A license has been issued by the Town of Onoway with respect to that dog or cat and the dog or cat is wearing a collar to which a "tag" evidencing the currency of the license is firmly attached;
    - 4.1.4 A Register form has been completed by the owner of an animal other than dog or cat at the Town of Onoway;
  - 4.2 A person who is a visitor to the Town of Onoway or is temporarily in the Town of Onoway on business and keeps any animal in the Town of Onoway **no more** than fourteen (14) days in any six (6) calendar months, or such further period as may be authorized by written permission from the Town of Onoway Municipal Manager, must register the animal with the Town of Onoway. The owner of an animal who doesn't register the animal shall have committed an offence under this Bylaw, and shall be subject to a fine for the offence as per "Schedule B", attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council;
  - 4.3 Every person who resides in the Town of Onoway and who is the owner or becomes an owner of a wild and/or domestic animal and every person who takes up residence in the Town of Onoway who is the owner of a wild and/or domestic animal shall register such

animals at the Office of the Town of Onoway on the first day when the Town of Onoway Office is open for business;

- 4.4 Dog and Cat licenses must be obtained on the first day on which the Town of Onoway Office is open for business after a:
  - 4.4.1 Dog reaches the age of six (6) months;
  - 4.4.2 Cat reaches the age of twelve (12) weeks;
- 4.5 All animals other than dogs and cats can be voluntarily registered at the Town of Onoway Office (this section does not apply to Dogs or Vicious Animal or Animals);
- 4.6 All licenses and registrations are valid for the duration of the animal's life while in the Town of Onoway boundary;
- 4.7 Dog and cat identification tags must be securely fastened to the dog or cat at all times. The said dog or cat shall be deemed licensed. The identification tag shall be worn at all times when the animal is in public; the license shall be deem invalid if not worn by the animal;
- 4.8 If a dog or cat is not wearing a collar with a valid identification tag, the owner of the said dog or cat shall be subject to a fine for allowing an un-licensed dog or cat to be at large, as per "Schedule B" attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council;
- 4.9 Each dog and cat is required to be licensed separately;
- 4.10 Animals other than dogs and cats can be registered in bulk for each type of animal;
- 4.11 Every Owner shall provide the Municipal Manager or Designate for the Town of Onoway with the following information when registering any animals in accordance with this Bylaw and the Town of Onoway Office shall maintain this information in a master registration book:
  - 4.11.1 Name, address and telephone number of the Owner;
  - 4.11.2 Name, breed, colour and sex of the animal to be registered;
  - 4.11.3 Any identifying marks, microchip numbers or tattoos that may be distinctive for identification purposes;
  - 4.11.4 Proof, from a duly qualified veterinary surgeon, that the animal is spayed or neutered;
  - 4.11.5 Proof of a valid and subsisting policy of liability insurance in the coverage in a minimum amount of five hundred thousand (\$500,000.00) dollars for injuries caused by the owner's restricted dog or vicious animal. (if applicable)

- 4.11.6 Date of license purchase;
- 4.11.7 The number stamped on each identification tag or number issued to the owner;
- 4.11.8 The amount of fee paid by the owner; and
- 4.11.9 Such other relevant and necessary information as may be required by the Town of Onoway in respect to the registration.
- 4.12 A registration fee shall be paid to the Town of Onoway for the registration of each dog and cat;, such fee as set out in "Schedule A", attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council;
- 4.13 Upon application by a person requiring the services of a Guide or Seeing-eye or Police Dog, a license and identification tag shall be issued in respect of a bona fide Guide or Seeing-eye or Police Dog without payment of fee to the owners of the dog;
- 4.14 Upon payment of the license fee, the Town of Onoway shall issue to the owner an identification tag for each dog or cat registered. The identification tag shall be marked with an identification number, corresponding to the identification number contained in the master registration book of the Town of Onoway;
- 4.15 Should an identification tag be lost or destroyed the owner shall apply to the Town of Onoway Office for a new identification tag which will be issued to the said owner at a cost as established in "Schedule A" attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council;
- 4.16 Non-Town residents who wish to purchase an identification tag for their dog or cat, to ensure its identification should it be at large within the Town of Onoway boundary, may do so in the same manner and at a cost as established in "Schedule A" attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council;
- 4.17 Every Owner shall provide his/her dog and/or cat with a collar to which the owner shall affix the identification tag for such dog and/or cat and the Owner shall ensure that the collar and identification tag are worn by the dog and/or cat at all times when the dog and/or cat is at any place other than the property of the Owner;
- 4.18 In no case shall an Identification tags issued under this Bylaw be transferable from one animal to another. The owner of a dog or cat, that transfers the Identification Tag shall have committed an offence under this Bylaw, and shall be subject to a fine for the offence as per "Schedule B", attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council;

- 4.19 A licensing fee paid to the Town of Onoway under this Bylaw shall not be refunded, in whole or in part, because of the death, sale or disposition of the animal in respect of which the licensing fee was paid or because the owner ceases to reside in the Town of Onoway;
- 4.20 Upon application by a new owner of an animal in respect to which a license and identification tag has been issued under this Bylaw, the Town of Onoway shall transfer the license/identification tag to the new owner without payment of any further fee. Such application shall include presentation to the Town of Onoway of a current tag and receipt and proof of purchase of the animal;
- 4.21 A Vicious Animal owner shall:
- 4.21.1 Obtain a vicious animal license, regardless of the age of the vicious animal. The owner of the vicious animal who doesn't license and registered it shall have committed an offence under this Bylaw, and shall be subject to a fine for the offence as per "Schedule B", attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council; and
- 4.21.2 Keep in force the Vicious Animal license; and
- 4.21.3 When application for a Vicious Animal license is made by an owner, the owner shall provide proof of a valid and subsisting insurance policy of liability coverage in a minimum amount of five hundred thousand (\$500,000.00) dollars for injuries caused by the owner's vicious dog. The owner of a vicious animal who doesn't obtain and hold a valid and subsisting insurance policy shall have committed an offence under this Bylaw, and shall be subject to a fine for the offence as per "Schedule B", attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council; and
- 4.21.4 The registration fee shall be paid to the Town of Onoway for the registration of each Vicious Animal, the fee to be the amount set out in "Schedule A", attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council; and
- 4.21.5 Upon expiry or termination of the said liability policy the license issued for a Vicious Animal shall automatically become null and void; and
- 4.21.6 No Vicious Animal is permitted to be "at large" in the municipal boundaries of the Town of Onoway. The Owner of any animal found "at large" within the municipal boundaries of the Town of Onoway shall have committed an offence under this Bylaw, and shall be subject to a fine for the offence as per "Schedule B", attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council;
- 4.22 The Town of Onoway shall cause to be created a series of tags made of durable material and stamped or embossed with the name "Onoway", together with a serial number, which tags shall be issued to owners of dogs and cats who pay the prescribed license fees and are granted a license to keep a dog or cat within the Town of Onoway. A tag, with its unique serial number, together with a dated receipt for fees paid, shall constitute the license required under this Bylaw to keep a dog or cat.

**SECTION 5                      RESTRICTIONS AND RESPONSIBILITIES**

- 5.        It shall be the responsibility the owners of all wild and domestic animals to ensure that:
  - 5.1      No person shall keep or harbor more than two (2) animals of the same kind whatever sex or age at the same time in any residential area or on properties smaller than one-half (1/2) acre in size within the Town of Onoway boundaries nor shall they be allowed on the Town of Onoway streets or parks, unless a Development Permit for operating a kennel has been sought and obtained from the Town of Onoway as per their Land Use Bylaw. (Specifically, a person may have two dogs, two cats, two hamsters and two rabbits at the same time but no more than two of each kind of animal at one time.) Fish in an Aquarian or pond are an exception to this regulation. The owner that keeps or harbors more than two (2) animals of the same kind shall have committed an offence under this Bylaw, and shall be subject to a fine for the offence as per "Schedule B", attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council;
    - 5.1.1    Any person who wishes to keep or harbor more than two (2) animals of the same kind whatever sex or age at the same time in a non residential area or on a property larger than one-half (1/2) acre in size within the Town of Onoway boundaries, are required to obtain written permission from the Municipal Manager or Council, unless a Development Permit for operating a kennel has been sought and obtained from the Town of Onoway as per their Land Use Bylaw. The person that keeps or harbors more than two (2) animals of the same kind who doesn't have written permission from the Municipal Manager or Council or a valid Development Permit shall have committed an offence under this Bylaw, and shall be subject to a fine for the offence as per "Schedule B", attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council;
    - 5.1.2    No animals, other than cats and dogs and other small pets, may be harboured on any property smaller than one-half acre in size within the municipal boundaries, nor shall they be allowed on municipal streets or parks, except by permission of the Municipal Manager.
  - 5.2      No owner of any animal shall leave the animal's excrement/defecation (waste matter) on public or private property other than the property of its owner. The excrement/defecation shall be removed immediately. The owner of the animal who leaves and does not remove immediately the animal excrement/defecation (waste matter) on public or private property shall have committed an offence under this Bylaw, and shall be subject to a fine for the offence as per "Schedule B", attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council:
    - 5.2.1    A handicapped owner of a registered guide dog or seeing eye dog is not subject to the obligation imposed in paragraph 5.2;
    - 5.2.2    Every person who keeps an animal on the animal owner private property within the Town of Onoway shall regularly remove all exposed excrement/defecation (waste matter)

matter from the area and dispose of it in a sanitary manner and shall at all times maintain the property in a sanitary condition satisfactory to the Bylaw Enforcement Officer or Community Peace Officer of the Town of Onoway and Public Health Authorities, or be subject to a fine as per "Schedule B";

- 5.3 No animal is permitted to be "at large" in the municipal boundaries of the Town of Onoway. The Owner of any animal found "at large" within the municipal boundaries of the Town of Onoway shall have committed an offence under this Bylaw, and shall be subject to a fine for the offence as per "Schedule B", attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council;
- 5.4 No animal shall bark or snarl or howl or in any other manner excessively disturb the quiet of any person. The owner of any animal found to be barking or snarling or howling or in any other manner excessively disturbing the quiet of any person shall have committed an offence under this Bylaw, and shall be subject to a fine for the offence as per "Schedule B", attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council;
- 5.5 No animal that is suffering from or is suspected to be suffering from a communicable disease shall not be allowed to be at large or to come into contact with other animals or humans. The owner of said diseased animal shall ensure that the said diseased animal is kept locked up securely and shall take such steps and precautions as are required by a veterinary surgeon to prevent the transmission of the disease. Owners not taking these precautions shall have committed an offence under this Bylaw, and shall be subject to a fine for the offence as per "Schedule B", attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council;
- 5.6 No animals shall be permitted to be a public nuisance by:
- 5.6.1 No Owner shall cause, allow, or permit another person to cause his/her Dog while on any property to:
- a) Bark at any person; or
  - b) Chase any person or vehicle; or
  - c) Attack any person; or
  - d) Chase, challenge, or attack any animal owned or being kept by another person; or
  - e) Cause any damage or nuisance therein
  - f) the provisions of this section shall not apply to a blind person who is being guided by a bona fide "Seeing Eye" or Guide Dog.
- 5.6.2 The Owner of any animals found doing any of the actions described in the preceding clauses (5.6.1 a to f) shall have committed an offence under this Bylaw, and shall be subject to a fine for the offence as per "Schedule B", attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council;

- 5.7 The Owner of a female animal "in heat" shall not have such animal located where it is a source of attraction to other male animals. Owners not taking these precautions shall have committed an offence under this Bylaw, and shall be subject to a fine for the offence as per "Schedule B", attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council;
- 5.8 When a Vicious Animal is on the premises of its Owner, it shall be kept confined indoors under the effective control of person of the age of eighteen (18) years or older, or shall be confined in a securely enclosed and locked pen, or other structure constructed and secured in such a fashion as to prevent the escape of the Vicious Animal, and to prevent the entry of persons or animals unauthorized by the Owner. The pen shall have secure sides and a secure top, and if it has no bottom secured to the sides, the sides must be embedded in the ground to a minimum depth of one (1) foot. Furthermore, the owner shall take all the necessary step to ensure that is does not bite, chase, or attack any human or other animal whether the person or animal is on the property of the owner or not. Owners not taking these precautions shall have committed an offence under this Bylaw, and shall be subject to a fine for the offence as per "Schedule B", attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council;
- 5.9 When a Vicious Animal is off the premises of the Owner, it shall be under the effective control of a person of the age of eighteen (18) years or older, securely muzzled, and shall be either harnessed or leashed securely to effectively maintain immediate Physical Control and prevent it from attacking or biting humans or other animals. This requirement shall not apply when the Vicious Animal is in a building or enclosure in attendance at a bona fide animal show, or confined in a pen or approved kennel. Owners not taking these precautions shall have committed an offence under this Bylaw, and shall be subject to a fine for the offence as per "Schedule B", attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council; and
- 5.10 No person shall lead, ride or drive livestock on any parkland or street in the Town of Onoway other than in a parade or if authorized by the Municipal Manager. Owners of livestock not so authorized by the Municipal Manager shall have committed an offence under this Bylaw, and shall be subject to a fine for the offence as per "Schedule B", attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council.

**SECTION 6                    ANIMAL CONTROL OFFICER / POUND KEEPER**

- 6.0 Empowerment and regulations for an Animal Control Officer and/or Pound Keeper are as follows:
- 6.1 The Animal Control Officer and Pound Keeper shall be appointed by Council or the Municipal Manager to the position of Animal Control Officer or Pound Keeper whose duties entail carrying out the provision of this Bylaw;

- 6.2 Each Animal Control Officer and Pound Keeper shall be responsible to the Council and the Municipal Manager for the ongoing administration, maintenance and operation of animal control service within the Town of Onoway as contemplated by this Bylaw;
- 6.3 Where any animal is seen to be at large and it is apparent that no responsible person is exercising control over the animal, the Animal Control Officers or Pound Keeper are authorized to capture, trap, pen up, tether or impound any animals within the Town of Onoway:
  - 6.3.1 In respect of which he or she believes an offense under this Bylaw is being or has been committed;
  - 6.3.2 Any animals, regardless of breed, that are at large;
  - 6.3.3 That which is named or described or otherwise designated in a complaint by any person as creating a public nuisance;
  - 6.3.4 That which is named or described or otherwise designated in a complaint made pursuant to the Dangerous Dogs Act;
  - 6.3.5 That which is actually or apparently affected with a Communicable Disease and the owner refuses or fails to take adequate precautions to avoid danger to other persons or animals; or
  - 6.3.6 No person shall attempt such capturing, penning or tethering unless it appears to be possible without exposing any person to probable injury, and without undue injure to the animal;
- 6.4 The Animal Control Officer and Pound Keeper are authorized to enter any private property or premises within the Town of Onoway without the permission of the owner or occupant, in respect of which he or she believes an offense under this Bylaw is being or has been committed;
- 6.5 The Animal Control Officer and Pound Keeper are authorized to take reasonable measures to subdue and capture animals found to be in contravention of this Bylaw; and
- 6.6 No action shall be taken against any person acting under the authority of this Bylaw for damages or destruction or other disposal of any animal.
- 6.7 An Enforcement Officer shall:
  - a) receive and impound any Dog seized under the provisions of the Bylaw; and
  - b) keep a record of such Dog on a form approved by the Municipal Manager; and
  - c) ensure that any Dog so impounded is provided with sufficient food and potable water to maintain the health and comfort of Dog; and
  - d) provide the services of a veterinarian, as soon as practical, for any Dog that appears to be ill or injured; and
  - e) ensure that no Dog while impounded, is unnecessarily

mistreated;  
f) charge a fee for impoundment as specified in Schedule "A" of this Bylaw.

6.8 It shall be the duty of the Enforcement Officer, and such other person or persons as may be authorized by Council, to confine all Dogs captured for violation of this Bylaw in the pound subject to the Owner's right to redeem the Dog within seventy-two (72) hours from the time of the impounding upon payment of any fee owed as outlined in Schedule "B" of this Bylaw to the Enforcement Officer or to the Pound Representative.

a) Notwithstanding Section 6.8 and pursuant to Section 7(2) of the Animal Protection Act as amended from time to time, if, in the opinion of an Enforcement Officer, the animal appears to be a purebred animal or if it bears an obvious identification device, tattoo, brand mark, tag or license, the applicable time limit under Section 7(2) of the Animal Protection Act shall be ten (10) days after the date on which the animal was impounded.

6.9 The Enforcement Officer shall, if the Dog being impounded is wearing a Dog tag or any other identification, make a conscientious effort to notify the Owner that the Dog has been impounded and give said Owner a reasonable period of time to claim the Dog. An Owner may redeem an impounded Dog upon payment to the Enforcement Officer or Pound Representative of all fines, fees and costs prescribed in this Bylaw prior to release to the Owner of any Dog.

6.10 In any case, where a Dog is found to be ill, has been injured or deemed unsuitable for adoption and it has been determined by a veterinarian or Enforcement Officer that the Dog should be euthanized, the Dog may be euthanized as soon as practical by a veterinarian or Animal Control Officer.

6.11 Any Dog that has been impounded for longer than the period prescribed in this Bylaw may, at the discretion of the Enforcement Officer, be adopted, placed with an Animal Rescue organization, or euthanized.

**SECTION 7                    OBSTRUCTION OF THE ANIMAL CONTROL OFFICER OR POUND KEEPER**

7. No person, whether or not he or she is the owner of the animal which is being or has been pursued or captured, shall:

7.1 Interfere, hinder, delay attempt or obstruct an Animal Control Officer or Pound Keeper who is attempting to capture or who has captured any animal in accordance with the provisions of this Bylaw. The person who interferes, hinders, delays attempt or obstructs an Animal

Control Officer or Pound Keeper who is attempting to capture or who has captured any animal shall have committed an offence under this Bylaw, and shall be subject to a fine for the offence as per "Schedule B", attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council;

- 7.2 Negligently or willfully tamper with or unlock or unlatch or otherwise open any vehicle or pen or enclosure in which an animal captured for impoundment has been placed so as to allow or attempt to allow such animal to escape there from. The person who negligently or willfully tampers with or unlocks or unlatches or otherwise opens any vehicle or pen or enclosure in which an animal captured for impoundment have been placed so as to allow or attempt to allow such animals to escape shall have committed an offence under this Bylaw, and shall be subject to a fine for the offence as per "Schedule B", attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council;
- 7.3 Remove, or attempt to remove, any animal from the possession of an Animal Control Officer or Pound Keeper who is in the process of carrying out his/her duties under this Bylaw. The person who removes, or attempts to remove, any animal from the possession of an Animal Control Officer or Pound Keeper who is in the process of carrying out his / her duties shall have committed an offence under this Bylaw, and shall be subject to a fine for the offence as per "Schedule B", attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council;
- 7.4 Induce or persuade any animal to enter a house or other place where it may be safe from capture by the Animal Control Officer or Pound Keeper; or otherwise assist any animal escape capture. The person who induces or persuades any animal to enter a house or other place where it may be safe from capture by the Animal Control Officer or Pound Keeper; or otherwise assists any animal escape capture shall have committed an offence under this Bylaw, and shall be subject to a fine for the offence as per "Schedule B", attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council; and
- 7.5 Negligently or willfully, open any gate, door or other opening in a fence or enclosure in which an animal has been confined; or otherwise obstruct any animal's confinement, thereby allowing the said animal to be at large within the Town of Onoway. The person who negligently or willfully opens any gate, door or other opening in a fence or enclosure in which an animal has been confined; or otherwise obstructs any animal's confinement, thereby allowing the said animal to be at large within the Town of Onoway, shall have committed an offence under this Bylaw, and shall be subject to a fine for the offence as per "Schedule B", attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council.

**SECTION 8                    CONTROLS AND CARE OF ANIMALS**

8.        The control and care of animals is everyone's responsibility;

- 8.1 No person, being the owner or a person in charge of an animal or Animal Control Officer or Pound Keeper, shall be permitted to abuse an animal. The person who abuses any animal shall have committed an offence under this Bylaw, and shall be subject to a fine for the offence as per "Schedule B", attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council;
- 8.2 No person, being the owner or a person in charge of an animal, shall permit it to be at large within the Town of Onoway;
- 8.3 No person, being the owner or a person in charge of an animal, shall permit it to be a public nuisance;
- 8.4 No person, being the owner or a person in charge of an animal, shall permit the animals to attack, threaten, bite, chase or otherwise injure or intimidate any other person or animal;
- 8.5 If a complaint is received that an animal has attacked, threatened, bitten, chases or otherwise injured or intimidated any person, animal or transportation unit, the Animal Control Officer or R.C.M.P. shall investigate the complaint and if the complaint appears to be justified and such action warranted, may:
  - 8.5.1 Issue to the owner a Violation Ticket or a Notice to Appear before a judge of the Provincial Court or Alberta according to the provision of this Bylaw;
    - (a) Any Animal Control Officer or R.C.M.P may deem the dog vicious.
  - 8.5.2 Seize and impound the animal, and may:
    - 8.5.2.1 Release the animal to the owner upon being satisfied that all requirements of this Bylaw have been met and that adequate precautions have been taken to prevent any reoccurrence of the offence, or
    - 8.5.2.2 Impound that animal or apply to a court for an order that the animal be removed from the Town of Onoway limits or that it be destroyed;
- 8.6 If a complaint is received that an animal is being a public nuisance, the Animal Control Officer shall investigate the complaint and if the complaint appears justified, shall notify the owner of the animal of the complaint, and shall direct the owner to prevent the animal from doing those things that created a public nuisance; and
- 8.7 If, after having received such notification, the owner fails to prevent his animals from again being a public nuisance, the Animal Control Officer shall issue to the owner a Violation Ticket.

## **SECTION 9                    VICIOUS ANIMALS**

9. Any person who harbors within the Town of Onoway limits a Vicious Animal shall:

- 9.1 Immediately bring this to the attention of the Town of Onoway Office; and
- 9.2 Prominently display at the front and rear entrances to his or her property, a sign stating "Beware of Dog" or "Beware of Vicious Animal". Failure to display proper signs at the front and rear entrance of the property shall be considered to have committed an offence under this Bylaw, and shall be subject to a fine for the offence as per "Schedule B", attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council; and
- 9.3 The owner of an Animal, which the owner has any reason to believe may be a Vicious Animal, shall keep such animal in accordance with all provision of this Bylaw which apply to a Vicious Animal unless and until the Animal Control Officer has determined that the animal is not a Vicious Animal and has so advised the owner in writing;
- 9.4 If the Pound Keeper, Police Constable, Municipal Manager or a Bylaw Enforcement Officer determines or believes on reasonable grounds that an animal is a Vicious Animal, either through personal observation or on the basis of facts determined after an investigation initiated by a complaint, he or she shall:
  - 9.4.1 Have the Bylaw Enforcement Officer issue the owner with a written notice that the animal has been determined to be a Vicious Animal; and
  - 9.4.2 Require the Owner comply with all the provisions of this Bylaw with respect to a Vicious Animals; and
  - 9.4.3 Inform the Owner that if the Vicious Animal is not kept in accordance with this Bylaw, the Owner will be fined, or subject to enforcement action pursuant to this Bylaw;
- 9.5 Where the owner of an animal that has been determined to be a Vicious Animal produces information to the Municipal Manager of the Town of Onoway that may alter a determination made under Section 9.4 the Municipal Manager shall, as soon as is reasonably possible, cause the matter to be reviewed and make a final determination; and
- 9.6 In addition to the remedies set forth in this bylaw, if the Municipal Manager of the Town of Onoway, Bylaw Enforcement Officer or Police Constable determines that a Vicious Animal is not being kept in accordance with this Bylaw, he or she may:
  - 9.6.1 Make application to the court for an order directing that such Vicious Animal be controlled in accordance with this Bylaw; be destroyed or be removed from the Town of Onoway; or
  - 9.6.2 Make a complaint pursuant to the Dangerous Dogs Act, for an order directing the Vicious Animal be controlled or destroyed.

**SECTION 10            KENNEL**

- 10.     Kennel restrictions and regulations:
  - 10.1    No person shall operate a kennel within the boundaries of the Town of Onoway without first obtaining a development permit and a Kennel License. Failure to obtain a development permit and a Kennel License shall be deemed to have committed an offence under this Bylaw, and shall be subject to a fine for the offence as per "Schedule B", attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council;
  - 10.2    All Kennel Licenses shall be valid only for the period January 1<sup>st</sup> to December 31<sup>st</sup> in the year for which the license is issued. A person holding an expired license shall be deemed to have no license;
  - 10.3    The fees for a Kennel License within the Town of Onoway shall be in accordance with "Schedule A" attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council;
  - 10.4    Any person harboring or keeping more than two animals (as per 5.1) in a single place shall be deemed to operating a kennel;
  - 10.5    The Town may issue a Kennel License upon the application of any person provided that the proposed kennel otherwise meets the requirements of all other applicable municipal legislation and, in particular, the Land Use Bylaw and any conditions imposed thereunder;
  - 10.6    The Town of Onoway will shall not issue a Kennel License for any person to operate a kennel when, in the opinion of the Town of Onoway, operation of the kennel would interfere with the use and enjoyment of any property located within 100 meters of the proposed site of the kennel.
    - 10.6.1   In forming such opinion the Town of Onoway may advise property owners within the 100 meters of the proposed kennel of the application and may seek advice from any person;
  - 10.7    The Town of Onoway, shall within 60 days of any application for a Kennel License either:
    - 10.7.1   Grant the Kennel License; or
    - 10.7.2   Advise the applicant in writing that the license is refused and the reason or reasons for such refusal;
  - 10.8    After issuance of a Kennel License, should the Town of Onoway receive bona fide complaints from two (2) or more neighbors living within 100 meters of a kennel, it shall conduct an inquiry to determine if the kennel is being operated according to the provisions of all applicable legislation and if it is not being so operated, shall advise the operator of any infractions or deficiencies and the operator shall have 14 days within which to correct such infractions or deficiencies;

- 10.8.1 When the operator of a kennel has been advised of the infractions of legislation or deficiencies with respect to the operation of his or her kennel, and has been given time to correct such infractions or deficiencies and has failed to correct the same, then the Town of Onoway may revoke or refuse to renew the Kennel License of the operator and may impose other penalties provided under this Bylaw;
- 10.9 When a Kennel License has been issued to a person who operates the kennel according to all applicable legislation or who, on notice corrected any infractions or deficiencies, then the Town of Onoway shall not revoke or refuse to renew the Kennel License of that person without first giving that person one year written notice of the intention of the Town of Onoway to revoke or refuse to renew the Kennel License;
- 10.10 Any enclosure or pen shall:
- 10.10.1 Have a secure top attached to all sides;
- 10.10.2 Have a secure bottom effectively attached to the sides;
- 10.10.3 The sides shall be buried in the ground to a minimum depth of thirty (30) centimeters or imbedded in a concrete pad;
- 10.10.4 Be of sufficient height, strength and stability to contain the animal;
- 10.10.5 Form a confined area with no side in common with a perimeter fence;
- 10.10.6 Have a gate which is self-closing and has a lock;
- 10.10.7 Be capable of containing an animal in a secure and humane manner;
- 10.10.8 Be approved by the Bylaw Enforcement Officer of the Town of Onoway; and
- 10.11 Owners who fail to comply with paragraph 10.10 shall be deemed to have committed an offence under this Bylaw, and shall be subject to a fine for the offence as per "Schedule B", attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council.

## **SECTION 11            IMPOUNDMENT**

### **11.     Provision of Impoundment:**

- 11.1 It shall be the responsibility of the Municipal Manager to establish one or more pounds for the impounding or keeping of animals captured. The said Municipal Manager is hereby authorized and empowered to make all such rules and regulations, not inconsistent with this

Bylaw and the rules and regulations of the S.P.C.A. as he/she shall consider necessary for the conduct or regulation of such pound or pounds. The Town of Onoway shall enter into an agreement and appoint a pound keeper and such other person as it shall deem necessary for the carrying into effect of the provisions of this Bylaw and make such rules and regulations, for their conduct as it deems necessary;

- 11.2 It shall be the duty of the Animal Control Officer, and such person or persons as shall be authorized and appointed by Council or the Municipal Manager to capture or place traps for animals found at large within the limits of the Town of Onoway contrary to the provisions of this Bylaw or found upon any street or in any public place in the Town of Onoway and to impound same in said pound, and the said animal impounded shall be kept there confined subject to the owner's or possessor's right to redeem same within seventy two (72) hours from the time of their capture, excluding Weekend and Statutory holidays;
- 11.3 The impounded animal shall not be released from said pound unless the owner or possessor can present to the satisfaction of the pound keeper that he/she has paid all fines and pound fees, as set out in "Schedule B" and has obtained the necessary clearance from the Animal Control Officer or the Municipal Manager and that a license has been obtained with respect to such animal;
- 11.4 Any person authorized by this Bylaw to enforce the provisions contained herein may enter into the land surrounding any building in pursuit of any animals which been at large;
- 11.5 The Animal Control Officer or any other person or persons duly qualified to handle a tranquilizer gun is hereby authorized, when all normal attempts to capture an animal have failed and the animal poses a serious and imminent threat to the public, to use a tranquilizer gun in order to effect the animal's capture;
- 11.6 Each animal impounded under the provisions of this Bylaw shall be subject to an impounding fee as set down by the Pound Keeper. The above mentioned fees shall apply for each and every day of confinement to a maximum of seventy two (72) hours as is fore-stated;
- 11.7 After seventy two (72) hours of confinement if no owner or the municipality shall appear at the pound to claim the animal, the said animal shall be destroyed or otherwise disposed of, by sale;
- 11.8 Immediately after the seventy two (72) hours pursuant to Section 11.7 of this Bylaw, the property interest of any owner of the impounded animal shall be deemed to have been extinguished, and full ownership to have been vested to the Veterinary Clinic;
- 11.9 The purchaser of an animal from the Pound pursuant to the provisions of this section of the Bylaw shall obtain full right and title to it and the right and title of the former owner of the animal shall cease thereupon;
- 11.10 It shall be the duty of the Animal Control Officer to attempt, to the best of his/her abilities, to ascertain the name of the owner of any impounded animal. Upon obtaining the name of the said owner, the Animal Control Officer or Pound Keeper shall serve the said owner with

a Notice of Impoundment, either by serving said notice personally or by sending said notice by mail to the last known address of said owner;

- 11.11 If the said notice is mailed to the owner, the said owner will have been deemed to have received the said notice within forty eight (48) hours from the time of mailing;
- 11.12 The Animal Control Officer shall report any apparent communicable disease, illness, injury, unhealthy conditions or other signs of distress of any dog or domestic animals impounded to a veterinary surgeon or the S.P.C.A. and act upon their recommendations. The Owner shall be responsible for all charges resulting from any veterinary examinations and reaction to the Owner's dog or animal;
- 11.13 The Animal Control Officer, with the Municipal Manager's authorization, may retain or order the retention of any animal for a longer period of impoundment if in his/her opinion; the circumstances warrant the expense of extending the impoundment;
- 11.14 The Animal Control Officer and such person or persons as shall be authorized and appointment by Council or the Municipal Manager may place humane trap or traps for the capture of animal, in areas where there are serious health and safety concerns about the number of stray or wild animals;
- 11.15 The property owner where the humane trap or traps been placed will be asked to check on the trap for any animal that been caught, and to inform the Animal Control Officer of such;
- 11.16 The Animal Control Officer and such person or persons authorized to set the traps are to deliver all trapped animals to:
  - 11.16.1 The owner, if there is an Identification Tag on the animal. If the owner is not immediately available or at home the animal shall be taken to the pound;
  - 11.16.2 The lagoon site, if the animal is a skunk or porcupine or any species of wild animals that normally live in a treed area;
  - 11.16.3 The designated pound, if the animal has not been stated above.

**SECTION 12            RECLAIMING OF IMPOUNDED ANIMALS**

- 12.    Provision of Reclaiming of Impounded animals:
  - 12.1    The owner of any licensed impounded animals may reclaim the animals from the pound, provided:
    - 12.1.1    The owner does so within seventy two (72) hours from the time of impoundment excluding Weekends and Statutory Holidays, or before the animal has been sold or disposed of; and

- 12.1.2 The owner has paid for the impoundment fees and veterinary fees as set out in "Schedule A", which is attached hereto and forms part of this Bylaw and which may be amended from time to time by resolution of Council, and
- 12.1.3 The owner also must show proof of having obtained a license for the animals as required by this Bylaw;
- 12.2 The owner of any unlicensed impounded animal may reclaim the animal from the pound provided:
  - 12.2.1 The owner does so within seventy two (72) hours from the time of impoundment excluding Weekends and Statutory Holidays, or before the animal has been sold or disposed of; and
  - 12.2.2 The owner has paid for the impoundment fees and veterinary fees as set out in "Schedule A", which is attached hereto and forms part of this Bylaw and which may be amended from time to time by resolution of Council, and
  - 12.2.3 The owner has paid for the penalty or penalties set out in "Schedule B", which is attached hereto and forms part of this Bylaw and which may be amended from time to time by resolution of Council, and
  - 12.2.4 The owner obtains a license for the animal as required by this Bylaw;
- 12.3 Notwithstanding the foregoing, the owner of an animal may not redeem such animals if the Animal Control Officer has reasonable grounds to believe and does believe that the animal is a Vicious Animal and that the owner has failed to comply with the provision of this Bylaw respecting Vicious Animal. Where the Animal Control Officer believes that any animal is a Vicious Animal, he/she may make application for an order directing that the animal be controlled or destroyed;
- 12.4 No Vicious Animals may be resold by the Animal Control Officer to any person who intends to keep the Vicious Animal within the Town of Onoway boundaries; and
- 12.5 An owner surrendering an animal shall sign a release form and pay the fees as per "Schedule A", which is attached hereto and forms part of this Bylaw and which may be amended from time to time by resolution by Council.

**SECTION 13                    ENFORCEMENT ON CERTAIN PRIVATE PROPERTIES**

- 13. Provision of Enforcement on Certain Private Properties:
  - 13.1 The Town of Onoway may agree to patrol and enforce provisions of this Bylaw on private property including condominium sites, mobile home parks and commercial site, etc upon the following conditions:

- 13.1.1 The Owner of the private property shall make a written request to the Municipal Manager that this bylaw be enforced on its property; and
- 13.1.2 The Owner of the private property shall agree to relieve the Town of Onoway or its employees from any liability claim and save the Town of Onoway or its employees harmless from any and all legal actions which may arise as a result of the Town of Onoway or its employees enforcing this Bylaw on its property, excepting when such legal actions arise due to the negligence of the Town of Onoway or its employees; and
- 13.1.3 The Private Property Owner shall deliver a "site plan" of the property in question to the Municipal Manager;
- 13.2 Notwithstanding this section, for the purpose of enforcement of this Bylaw, but not for the purpose of investigation only, the Animal Control Officer is authorized to enter into any premises, including privately owned premises, at any time, provided however, that the word "premises" does not include that part of a interior building used as a dwelling house or business.

**SECTION 14            OFFENCE TAG**

- 14.    Provision of Offence Tag:
  - 14.1    The Animal Control Officer, Pound Keeper, Police Officer, Bylaw Enforcement Officer or Community Peace Officer may enforce the provisions of the Bylaw and is hereby authorized and empowered to issue an Offence Tag to any Person who contravenes any provisions of this Bylaw.
  - 14.2    Any Offence Tag shall be in a form approved by the Municipal Manager and shall state:
    - 14.2.1    The Name of the offender; and
    - 14.2.2    The offence; and
    - 14.2.3    The appropriate fine for the offence as specified in "Schedule B" of this Bylaw; and
    - 14.2.4    That the fine shall be paid within seven (7) days of the issuance of the Offence Tag;
  - 14.3    Where a contravention of this Bylaw is of a continuing nature, further Offence Tags for the same offence may be issued by the Animal Control Officer, provided however, that no more than one Offence Tag (for the same offence) shall be issued for each day that the contravention continues;
  - 14.4    Where an Offence Tag is issued pursuant to this Bylaw the person to whom the Offence Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town of Onoway the amount specified on the Offence Tag;

- 14.5 The Offence Tag may be issued by personally serving it upon the alleged offender, or by leaving it at the residence of the alleged offender with any adult member of the family of the owner or harbinger who is at least sixteen (16) years of age, or by sending the Offence Tag to the alleged offender by mail to his/her last known address;
- 14.6 If the owner or harbinger of any animals fails to pay the amount mentioned on the Offence Tag, within the time limited, the provisions of the foregoing shall no longer apply and the alleged offender shall be liable for payment.
- 14.7 If the owner or harbinger of the said animal that is liable for payment and has not done so by the time limited and is a property owner shall have the payment (fine) place on his/her tax notice;
- 14.8 If the owner or harbinger of the said animal that is liable for payment and has not done so by the time limited and is not a property owner shall be liable to prosecution in accordance with Canada and Alberta Laws and Justice;
- 14.9 Any person to whom an Offence Tag has been issued may exercise his/her rights to defend any charge of committing a contravention of any of the provisions of this Bylaw;
- 14.10 Any person may lay an information and complaint against any person for committing a breach of any section of the Bylaw; and
- 14.11 Any proper officer or official of the Town of Onoway or Crown Prosecutor may lay an information or complaint in response of any breach by any person of any of the provisions of this Bylaw, if such Officers or Officials deems such procedure to be in the interest of Justice.

**SECTION 15            VIOLATIONS TICKET**

- 15. Provision of Violation Ticket:
  - 15.1 Violation Ticket – instead of the procedure specified in the Criminal Code of Canada for the laying of an Information and the issuing of a summons, the procedure as set out in the Provincial Offenses Procedures Act revised statutes of Alberta and amendments thereto, Part 2, Summary Violation Tickets, or Part 3, Offense Notice Violation Tickets, as the case may be, may be followed with respect to violations occurring under this Bylaw;
  - 15.2 If the fine specified on an Offence 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;

**SECTION 16            SUMMARY CONVICTION**

- 16. Provision of Summary Conviction:

- 16.1 A person is a party to and guilty of an offence who:
  - 16.1.1 Actually commits the offence; or
  - 16.1.2 Does or omits an act for the purpose of aiding a person to commit an offence; or
  - 16.1.3 Abets a person in the commission of the offence; or
  - 16.1.4 Counsils or procures a person to commit an offence;
- 16.2 Any person who contravenes any provision of this Bylaw is guilty of an offence. Except as otherwise provided by this Bylaw for which a penalty is not otherwise provided, a person is liable on summary conviction to a fine of not more than \$2,500.00 and in default of payment is liable to imprisonment for a term not exceeding six months or to both such fine and imprisonment;
- 16.3 All licenses, fines and fees are to be paid before any animal is released from the Pound; and
- 16.4 Nothing in this Bylaw shall be read or construed as:
  - 16.4.1 Preventing any person from exercising his/her right to defend an allegation that he/she has committed an offence under this Bylaw;
  - 16.4.2 Preventing an Animal Control Officer from issuing a violation ticket or otherwise initiating Court process in any other manner permitted by law, in respect of an alleged offence.

**SECTION 17            SEVERABILITY**

- 17. In the event any provision of this Bylaw shall be declared or deemed to be invalid, then such invalid provision shall be severed and the remaining Bylaw shall remain in full force and effect.

**SECTION 18            ORDERS**

- 18.1 Every Order written with respect to this Bylaw must:
  - a) Indicate the person to whom it is directed;
  - b) Identify the person to whom the Order relates by municipal address or legal description;
  - c) Identify the date it was issued;
  - d) Identify how the property fails to comply with this or other Municipal Bylaws;

- e) Identify the specific provisions of the Bylaw the person contravenes;
  - f) Identify the nature of the action required to be taken to be compliant;
  - g) Identify the time within which the action must be completed;
  - h) Indicate that if the required action is not completed within the time specified, the Town of Onoway may take whatever action or measures necessary to remedy the contravention;
  - i) Indicate expenses and costs of any action or measures taken by the Town of Onoway under this Section area an amount owing to the Town of Onoway by the person to whom the Order is directed.
- 18.2 Every Order written in respect to provisions of another Bylaw must contain the same information as set out in Section 18.1, modified as necessary in the context of that Bylaw.
- 18.3 An Order pursuant to this Bylaw will be deemed to have been served on the Owner or Occupant when the Order has been:
- a) personally delivered to the Owner or Occupant;
  - b) left for the Owner or Occupant at his or her residence with a person on the premises who appears to be at least eighteen (18) years old;
  - c) sent via registered mail addressed to the last known postal address of the Owner or Occupant; or
  - d) Posted in a conspicuous place on the property referred to on the Order when the Enforcement Officer has reason to believe:
    - i) that the owner or occupant to whom the Order is addressed is evading service or;
    - ii) No other means of service is available;
  - e) if an order is sent via registered mail as referred to in Section 18.3(c) then it is deemed to be received by the Owner or Occupant five (5) business days after the Order was mailed.
- 18.4 A person who fails to comply with an Order under Section 18 of this Bylaw is guilty of an offence and liable on summary conviction before a Provincial Court Judge, to fines as listed in Schedule "B" of this Bylaw.
- 18.5 If the Enforcement Order determines that a Vicious Dog or Guard Dog is not being kept in accordance with this Bylaw, the Enforcement Officer may:
- a) Make an application pursuant to Section 545 of the Municipal Government Act, for an Order directing that the Owner keep such Dog in accordance with this Bylaw or that the Dog be removed from the Town of Onoway; or
  - b) Make a complaint pursuant to the Dangerous Dogs Act (Alberta) for an Order directing that the Dog be Controlled, destroyed or removed from the Town of Onoway.

**SECTION 19            RESCINDS AND EFFECTIVE DATE OF BYLAWS**

19.     That Bylaw 782-21 shall be repealed on date of final passing.

19.1    That this bylaw shall come into force and effective on the date of the third and final reading.

Read a first time on this 10<sup>th</sup> day of March, 2022.

Read a second time on this 10<sup>th</sup> day of March, 2022.

Unanimous Consent to proceed to third reading on this 10<sup>th</sup> day of March, 2022.

Read a third and final time on this 10<sup>th</sup> day of March, 2022.

Signed this 10<sup>th</sup> day of March, 2022.

**Signed by Mayor Lenard Kwasny**

**Signed by Wendy Wildman  
Chief Administrative Officer**

**SCHEDULE "A"**

**LICENSE FEES**

| <b>Items</b>  | <b>Amount</b>  |
|---|--|
| <b>Each un-spayed Female Dog</b>  | \$100.00 (Lifetime Fee per Owner)  |
| <b>Each un-neutered Male Dog</b>  | \$100.00 (Lifetime Fee per Owner)  |
| <b>Each spayed Female Dog</b><br>Upon production of a certificate from a duly qualified veterinary surgeon  | \$50.00 (Lifetime Fee per Owner)   |
| <b>Each neutered Male Dog</b><br>Upon production of a certificate from a duly qualified veterinary surgeon  | \$50.00 (Lifetime Fee per Owner)   |
| <b>Dog Guides / Seeing Eye Dogs / Police Dogs</b>   | No Charge  |
| <b>Replacement Dog Tag</b><br>Except for Dog Guides or Seeing Eye Dogs  | \$10.00 (Each Occurrence)  |
| <b>Each un-spayed Female Cat</b>  | \$100.00 (Lifetime Fee per Owner)  |
| <b>Each un-neutered Male Cat</b>  | \$100.00 (Lifetime Fee per Owner)  |
| <b>Each spayed Female Cat</b><br>Upon production of a certificate from a duly qualified veterinary surgeon  | \$50.00 (Lifetime Fee per Owner)   |
| <b>Each neutered Male Cat</b><br>Upon production of a certificate from a duly qualified veterinary surgeon  | \$50.00 (Lifetime Fee per Owner)   |
| <b>Replacement Cat Tag</b>  | \$10.00 (Each Occurrence)  |
| <b>Surrendering of Animal</b>   | \$50.00 (Each Animal)  |
| <b>Vicious Animal</b><br>Upon production of a valid and subsisting insurance policy of liability coverage in a minimum amount of five hundred thousand (\$500,000.00) dollars for injuries caused by the owner's vicious animal | \$500.00 (Lifetime Fee per Owner)  |
| <b>Pound or Kennel Operation</b><br>Veterinary do not require a license   | \$100.00 (per year)  |
| <b>Pound or Kennel</b>  | As set by pound keeper for every twenty four (24) hours period or fraction thereof the animal been impounded |
| <b>Veterinary</b>   | As set by the Veterinary Clinic  |

|                    |           |
|--------------------|-----------|
|                    |           |
| <b>Animal List</b> | No Charge |
|                    |           |

**SCHEDULE "B"**

**OFFENCE TAGS  
FINES AND PENALTIES**

| <b>Section</b> | <b>Offence</b>  | <b>1<sup>st</sup><br/>Offence</b> | <b>2<sup>nd</sup><br/>Offence</b> | <b>3<sup>rd</sup> Offence<br/>And<br/>Subsequent<br/>Offence</b> |
|----------------|---|-----------------------------------|-----------------------------------|--|
| <b>4.1</b>     | Failure to register or license their cat or cats or dog or dogs within the boundaries of the Town of Onoway<br>(Does not included Vicious Dogs)         | 100.00                            | 200.00                            | 400.00   |
| <b>4.2</b>     | Failure to register their animal while on a temporary stay in the Town of Onoway  | 100.00                            | 150.00                            | 200.00   |
| <b>4.8</b>     | Failure of a dog or cat to be wearing a collar with a valid tag while not on the property of the owner  | 100.00                            | 150.00                            | 200.00   |
| <b>4.18</b>    | Transfer of Identification tag from one animal to another   | 100.00                            | 150.00                            | 200.00   |
| <b>4.21.1</b>  | Failure to obtain a vicious animal license, regardless of the age of the vicious animal   | 500.00                            | 750.00                            | 1,000.00   |
| <b>4.21.3</b>  | Failure to obtain a valid and subsisting insurance for a vicious animal   | 500.00                            | 750.00                            | 1,000.00   |
| <b>4.21.6</b>  | Allowing/Permitting vicious animal to be "at large"   | 500.00                            | 750.00                            | 1,000.00   |
| <b>5.1</b>     | Keeping or harboring more than two (2) animals of the same kind in a residential area or on a property that is less than ½ acres                        | 100.00                            | 150.00                            | 200.00   |
| <b>5.1.1</b>   | Keeping or harboring more than two (2) animals of the same kind in a non residential area or on a property that is more than ½ acres without permission | 100.00                            | 150.00                            | 200.00   |
| <b>5.2</b>     | Failure to removed immediately any animal excrement/defecation (waste matter) on public or private property   | 100.00                            | 150.00                            | 200.00   |
| <b>5.3</b>     | Allowing/Permitting an animal to be "at large" (not vicious animals)  | 250.00                            | 500.00                            | 750.00   |
|                |   |                                   |                                   |  |

Bylaw #796-22  
Animal Control Bylaw

Municipal Government Act, Chapter M-26, RSA 2000, Section 7 and 8

|                 |   |                             |                             |                                    |
|-----------------|---|-----------------------------|-----------------------------|------------------------------------|
| <b>5.4</b>      | Barking or snarling or howling or disturbing the quiet or peace of any person   | 100.00                      | 150.00                      | 200.00                             |
| <b>5.5</b>      | Communicable diseased animal at large or in contact with other animals or humans or not taken all precautions that a veterinary surgeon prescribed  | 100.00                      | 150.00                      | 200.00                             |
| <b>5.6.1</b>    | Bite, attempt to bite, bark at, chase livestock or other domestic animal or person, chase vehicle, or cause any damage or nuisance thereon  | 500.00                      | 750.00                      | 1000.00                            |
| <b>5.7</b>      | Animal "in heat" improperly confined  | 100.00                      | 150.00                      | 200.00                             |
| <b>5.8</b>      | Vicious animal not confined properly on owner's property  | 500.00                      | 750.00                      | 1,000.00                           |
| <b>5.9</b>      | Vicious animal not confined properly while off owner's property   | 500.00                      | 750.00                      | 1,000.00                           |
| <b>5.10</b>     | No authorization received by Municipal Manager  | 100.00                      | 150.00                      | 200.00                             |
| <b>6.8/ 6.9</b> | Impound Fees  | Fees subject to pound rates | Fees subject to pound rates | Fees subject to animal pound rates |
| <b>7.1</b>      | Interfere, hinder, delay attempt or obstruct an Animal Control Officer or Pound Keeper  | 100.00                      | 150.00                      | 200.00                             |
| <b>7.2</b>      | Negligently or willfully tamper with or unlock or unlatch or otherwise open any vehicle or pen or enclosure in which an animal been impoundment to allow or attempt to allow such animals to escape | 100.00                      | 150.00                      | 200.00                             |
| <b>7.3</b>      | Remove, or attempt to remove, any animal from the possession of an Animal Control Officer or Pound Keeper who is in the process of carrying out his/her duties                                      | 100.00                      | 150.00                      | 200.00                             |
| <b>7.4</b>      | Induce or persuade any animal to enter a house or other place where it may be safe from capture by the Animal Control Officer or Pound Keeper; or otherwise assist any animal escape capture        | 100.00                      | 150.00                      | 200.00                             |

Bylaw #796-22  
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|              |  |        |        |         |
|--------------|--|--------|--------|---------|
| <b>7.5</b>   | Negligently or willfully open any gate, door or other opening in a fence or enclosure in which an animal has been confined; or otherwise obstruct any animal's confinement, thereby allowing the said animals to be at large within the Town of Onoway | 100.00 | 150.00 | 200.00  |
|              |  |        |        |         |
| <b>8.1</b>   | Abuse of an animal   | 500.00 | 750.00 | 1000.00 |
|              |  |        |        |         |
| <b>9.2</b>   | Failure to display at front and rear entrance "Beware of Dog" or "Beware of Vicious Animal" signs  | 100.00 | 150.00 | 200.00  |
|              |  |        |        |         |
| <b>10.1</b>  | Failure to obtain a kennel license or development permit to operate a kennel   | 100.00 | 200.00 | 500.00  |
|              |  |        |        |         |
| <b>10.10</b> | Non conforming enclosure or pen  | 100.00 | 150.00 | 200.00  |
|              |  |        |        |         |
| <b>18.4</b>  | Failure to Comply with Order   | 500.00 | 750.00 | 1000.00 |
|              |  |        |        |         |
|              | APPLICABLE VETERINARIAN EXPENSES WILL BE ADDED TO ANY FINE OR FEE SPECIFIED ABOVE, WHERE APPLICABLE  |        |        |         |