

CITY OF ST. ALBERT

BYLAW 11/2013

Consolidated by Bylaw 18/2015

March 16, 2015

Being a Bylaw to regulate animals within the City of St. Albert

WHEREAS

- i. pursuant to section 7(a) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;
- ii. pursuant to section 7(h) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting wild and domestic animals and activities in relation to them;
- iii. pursuant to section 7(i) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the *Municipal Government Act* or any other enactment including any or all of the matters listed therein; and
- iv. pursuant to section 8 of the *Municipal Government Act*, a council may by bylaw regulate, prohibit or provide for a system of licences, permits or approval including any or all of the matters listed therein.

NOW THEREFORE the Municipal Council of the City of St. Albert hereby ENACTS AS FOLLOWS:

PART 1

DEFINITIONS

1. This Bylaw may be referred to as “The Animal Bylaw”.
2. In this Bylaw
 - (a) “Bylaw” means a City bylaw, and includes any amendments thereto;
 - (b) “Business Licence” means a business licence pursuant to the City of St. Albert *Business Licence Bylaw 43/2000* and includes any amendments thereto or replacements thereof;
 - (c) “Bylaw Enforcement Officer” means an individual appointed as such in accordance with Bylaw 21/2003, the “*Bylaw Enforcement*”

Officer Bylaw", and includes any amendments thereto or replacements thereof;

- (d) "City" means the City of St. Albert, a municipal corporation of the Province of Alberta, and includes, where the context so requires, the area contained within the boundaries of the City of St. Albert;
- (e) "City Manager" means the City's chief administrative officer or designate;
- (f) "Council" means the City's municipal council;
- (g) "Court" means the Provincial Court of Alberta;
- (h) "Development Permit" means a Development Permit pursuant to the City of St. Albert *Land Use Bylaw 9/2005* and includes any amendments thereto or replacements thereof;
- (i) "Dog" means a domesticated dog;
- (j) "Early Payment" means a payment made within 7 days of the offence date recorded on a Municipal Violation Tag;
- (j.1) "Enclosed Outdoor Skating Rink" means an area located on City property that has been primarily designed for the use of ice skating that has been enclosed by a wooden border.
- (k) "General Manager of Community and Protective Services" means the person appointed by the City Manager to the position of General Manager of Community and Protective Services and includes anyone acting or delegated all or partial responsibilities of this position;
- (l) "*Land Use Bylaw*" means *Bylaw 9/2005* and includes any amendments thereto or replacements thereof;
- (m) "Municipal Violation Tag" means a City-issued notice that alleges an offence and provides a person with the opportunity to pay an amount to the City in lieu of prosecution for the offence;
- (n) "Organized Sporting Activity" means an organized sporting or recreational activity that has been scheduled and authorized by the City to proceed at a particular time and date in a particular park location;
- (o) "Owner" means a person who:
 - i. owns an animal;

- ii. has possession and/or charge or responsibility over an animal;
or
 - iii. has actual or apparent possession or control over a property where an animal is normally kept;
- (p) “Neighbourhood” means those residential areas known as: Akinsdale, Braeside, Deer Ridge, Downtown, Erin Ridge, Forest Lawn, Grandin, Heritage Lakes, Inglewood, Kingswood, Lacombe Park, Mission, North Ridge, Oakmont, Pineview, Sturgeon, Woodlands, Riverside and any new neighbourhoods as defined in the Municipal Development Plan.
- (q) “Paved Trail” means a developed asphalt or concrete public use trail and includes 1 metre on either side of the improved surface;
- (r) “Peace Officer” means a Person employed for the purposes of preserving and maintaining the public peace, and includes
- (i) a provincially-appointed Community Peace Officer for the City of St. Albert;
 - (i) a Bylaw Enforcement Officer authorized to enforce this Bylaw in accordance with his or her appointment; and
 - (ii) a regular member of the Royal Canadian Mounted Police.
- (s) “Peace Officer Program Supervisor” means the person appointed into this position under the authority of the City Manager or who is responsible for Animal Control operations and includes anyone acting or delegated all or partial responsibilities of this position;
- (t) “Person” includes any individual, corporation, society, association, partnership or firm;
- (u) “Schedule” means a schedule attached to and forming part of this Bylaw;
- (v) “Section” means a section of this Bylaw;
- (w) “Subsection” means a subsection of this Bylaw;
- (x) “Tot Lot”, means a small park space within a neighbourhood that has been designed primarily for use by toddlers and young children;
- (y) “Unclaimed animal” means an animal that has been impounded, seized or otherwise come into the possession of the City and:

- (i) in the case of a known licenced dog, has not been picked up and claimed by the proven owner after seventy two hours (72 hrs) of being deemed releasable;
 - (ii) in the case of any other animal, has not been picked up and claimed by the proven owner after forty eight hours (48 hrs) of being deemed releasable;
- (z) "Violation Ticket" means a violation ticket issued in accordance with the *Provincial Offences Procedure Act* R.S.A. 2000, c.P-34, as amended.

PART 2

LICENCING OF DOGS

Requirement for Licence

3. (1) No person shall own or keep any dog that is six (6) months of age or older unless such dog is properly licensed as provided in this Bylaw.
- (2) A holder of a dog license must be eighteen (18) years of age.
- (3) Notwithstanding subsection (1), a person will have fifteen (15) calendar days to obtain a dog licence after
- i. becoming the owner of a dog; or
 - ii. being a dog owner and taking up residency within the City.
- (4) Subsection (1) shall not apply to dog owners temporarily in the City for a period not exceeding fourteen (14) days.

Licence Application and Information

4. Before the issue or renewal of a license pursuant to this part the owner of a dog must submit:
- (a) the appropriate license fee and any applicable late fee prescribed in schedule A;
 - (b) proof, if applicable, in a form acceptable to the City Manager, that the dog is:
 - (i) spayed or neutered,

- (ii) a service or guide dog, or a service or guide dog in-training;
or
 - (iii) a fostered dog;
- (c) any other additional information required by the City including but not limited to:
- (i) a full description of the dog, including breed, name, gender, age and color(s);
 - (ii) the name, address and telephone number of the owner;
 - (iii) where the owner is a corporate body, the name address and telephone number of the natural person responsible for the dog; or
 - (iv) if the dog has been previously determined to be a Dangerous Dog under the Dangerous Dog Act R.S.A 2000 c D-3, or similar legislation from another Municipality, Province, or Country,
5. A dog owner that has obtained a current licence for a dog in accordance with this Bylaw shall within fifteen (15) days notify the City of any change in address, contact or other information provided or requested on the application.
6. No person shall give false information when applying for a license pursuant to this Bylaw.

Licence Term

7. Unless otherwise specified in this Bylaw the term of a dog licence is from the date of issuance to January 31 of the following calendar year.

License Transfers

8. Dog licences issued under this Bylaw shall not be transferable from one dog to another.
9. Dog licences issued under this Bylaw are eligible to be transferred from one dog owner to another dog owner provided that the new dog owner submits to the City the applicable required information outlined in section 4 of the Bylaw within fifteen (15) days of becoming the new owner.

Issue/Replacement of Dog Tag

10. (1) Upon payment of the appropriate fee and any applicable late fee as well as the provision of the required information outlined in section 4, a dog owner shall be provided with a dog license tag.
- (2) Notwithstanding subsection (1), the City shall provide a replacement license tag to the dog owner under the following circumstances only:
 - (i) at no charge, upon request from the dog owner at the time of annual licence renewal; or
 - (ii) upon payment of the fee specified in Schedule A, at any time.
- (3) The Owner of a dog shall, at all times when it is off the property of the Owner, ensure it displays the licence tag issued by the City.

No Rebate

11. No person shall be entitled to a licence rebate under this Bylaw.

PART 3

RESPONSIBILITIES OF OWNERS

Excessive Barking

12. (1) The owner of a dog shall ensure that it does not bark, howl, or otherwise make or cause a noise in an excessive manner to the extent that the noise annoys or disturbs any person.
- (2) Whether any noise is excessive to the extent that it justifiably annoys or disturbs a person, is a question of fact to be determined by a court hearing a prosecution pursuant to this section.

On leash / Off leash

13. (1) The owner of a dog shall at all times, when the dog is off the property of the owner or off the property where the dog has right of occupation, have the dog:
 - (a) under complete control; and
 - (b) held on a leash not exceeding two (2) metres in length.
- (2) Notwithstanding subsection (1), a dog is not required to be on a leash in an area which has been designated as an "off-leash" area pursuant to section 27 of this Bylaw, except when;

- (a) the dog is on or within one (1) metre of a paved trail within the designed off-leash area; or
 - (b) an organized sporting activity is taking place within a designated off-leash area.
- (3) In an “off-leash” area, the owner of the dog shall:
- (c) ensure that the dog is under complete control; and
 - (d) carry with them and produce on demand by a peace officer, a leash for the dog not exceeding two (2) meters in length.
- (4) A peace officer may:
- (a) order that a dog be put on a leash; and
 - (b) order that a dog be removed from an off-leash area.
- (5) Whether a dog is under complete control is a question of fact to be determined by a court hearing a prosecution pursuant to this section of the Bylaw, having taken into consideration any or all of the following:
- (a) whether the dog is at such a distance from the dog handler so as to be incapable of responding to voice, sound or sight commands;
 - (b) whether the dog has responded to voice, sound or sight commands from the owner;
 - (c) whether the dog has bitten, attacked or done any act that injures a person or other animal;
 - (d) whether the dog chased or otherwise threatened a person;
 - (e) whether the dog caused damage to property.

Dog Prohibited Areas

14. The owner of a dog shall ensure that their dog does not
- (a) enter or remain in or on any playground structures or apparatus areas,
 - (b) enter or remain in any area of sand or other like material surrounding playground structures, or

- (c) be within 2 metres of any playground structures or apparatus area.

Dog Attacks / Bites

- 15. (1) The owner of a dog shall ensure that their dog does not:
 - (a) damage property;
 - (b) chase, attack or bite any person or animal; or
 - (c) chase, attack or bite any person or animal, causing physical injury.
- (2) This section does not apply if, in a peace officer's opinion, the chase, attack, bite or damage is a direct result of a dog being provoked.

Removal of Defecation

- 16. (1) If a dog defecates on any public or private property other than the owner's property, the owner shall remove the defecation immediately.
- (2) The owner of a dog shall:
 - carry and produce on demand from a peace officer, a plastic bag or in the opinion of a peace officer other suitable means of removing dog defecation at all times when the dog:
 - (i) is in the custody of the owner, and
 - (ii) off the property of the owner.

PART 4

DANGEROUS DOGS

Determination of Dangerous Dog

- 17. (1) If a Peace Officer believes on reasonable and probable grounds that a dog has:
 - (a) damaged property;
 - (b) chased, attacked or bitten any person or animal;

- (c) chased, attacked or bitten any person or animal causing physical injury
- (d) threatened or created the reasonable apprehension of a threat to a person or other animal; or
- (e) been previously determined to be a Dangerous Dog under the *Dangerous Dog Act* R.S.A 2000 c D-3, or similar legislation from another Municipality, Province, or Country,

the Peace Officer may seize and impound the dog and recommend to the Peace Officer Program Supervisor that the dog be declared Dangerous.

- (2) Upon receipt of a recommendation from a Peace Officer, the Peace Officer Program Supervisor may declare the dog to be dangerous and impose conditions on the dog owner that may include any one or more of the following:
 - (a) requiring that the dog be muzzled when off the property of the owner;
 - (b) requiring that the dog be on a leash and held by a person eighteen (18) years of age or older when off the property of the owner;
 - (c) requiring the owner of the dog to obtain, maintain and produce liability insurance satisfactory to the Peace Officer Program Supervisor, specifically covering any damages for personal injury and property caused by the dangerous dog in an amount not less than two million dollars (\$2,000,000) per occurrence;
 - (d) requiring that a dog owner microchip or tattoo the dog and produce details and the dog for inspection and verification, so as to positively identify the dog;
 - (e) requiring the dog owner to house the dog in a secure, locked area that prevents the dog from getting out or unauthorized people from getting in;
 - (f) requiring the dog owner to ensure that the dog does not damage property, chase, attack or bite a person or other animal;
 - (g) prohibited the dog from being in an off-leash area; or

- (h) any other condition deemed appropriate by the Peace Officer Program Supervisor.
 - (3) If the Peace Officer Program Supervisor has declared a dog to be Dangerous, written notification of the declaration and any conditions imposed shall be provided to the dog's owner.
 - (4) A person who receives a Dangerous Dog Notice may appeal the declaration or imposing conditions by giving written notice of the appeal and the reasons therefore to the General Manager of Community and Protective Services within ten (10) days of receiving the declaration.
 - (5) During the appeal period and until final disposition has been given, the dog owner shall ensure that the dog subject to the declaration, is muzzled at all times when off the property of the owner.
 - (6) Upon receipt of an appeal pursuant to subsection (4), the General Manager of Community and Protective Services shall coordinate a hearing to allow for the dog owner to give evidence and justification for overturning the dangerous dog declaration.
 - (7) The General Manager of Community and Protective Services will review and hear both the evidence and information provided by the dog owner as well as evidence and information provided by the Peace Officer Program Supervisor including any witnesses that are deemed to have any relevant evidence or information about the dogs behavior.
 - (8) At the end of the hearing the General Manager of Community and Protective Services can remove, uphold, or alter the original dangerous dog declaration. The decision of the General Manager of Community and Protective Services is final and the dog owner shall be notified of the decision in writing.
18. The owner of a dog declared dangerous pursuant to this Bylaw shall obey and abide by all the conditions imposed pursuant to section 17 of this Bylaw.

PART 5

OTHER REGULATIONS

Limit on Dogs

19. (1) No person shall keep or harbor more than three (3) dogs on any premises with a Municipal address in the City.
- (2) This section does not apply:

- (a) to dogs under the age of six (6) months;
- (b) if a person has a valid business license and development permit to operate a kennel facility, veterinarian clinic or hospital, animal breeding establishment, pet store, temporary dog show, humane society or other similar approved business activity.

Prohibited Animals

20. No person shall keep or harbor any animal considered to be “livestock” as defined in the *Land Use Bylaw*, this includes any horses, cattle, pigs, sheep, goats, llamas, ostriches, bison, chickens, turkeys, ducks, geese, pigeons, foxes, mink, rabbits, skunks, poultry, or fowl, unless the person holds a development permit that authorizes such activities.

Communicable Diseases

21. (1) An owner of a dog suspected of having rabies shall:
- (a) immediately report the matter to the appropriate Provincial Health Authority or the City;
 - (b) confine or isolate the dog, in such a manner as prescribed so as to prevent further spread of the disease; and
 - (c) keep the dog confined indefinitely subject to the final disposition of the Provincial Health Authority or the City.

PART 6

ANIMAL CONTROL OPERATIONS

Seizure

22. (1) A peace officer may capture and impound any dog:
- (a) that is on public property or other property to which the dog owner does not have right of occupation where the dog is:
 - (i) running loose or free,
 - (ii) not on a leash, or
 - (iii) on a leash and not in apparent control by the owner;

- (b) in order to determine if a dog is dangerous pursuant to section 17; or
- (c) if a peace officer has reasonable suspicion that the dog has rabies.

23. A person who takes control of any stray or loose dog shall:

- (a) forthwith notify the City;
- (b) provide any required and relevant information; and
- (c) surrender the animal to the City, if directed to do so.

Obstruction and Interference

24. (1) No person shall:

- (a) interfere with or attempt to obstruct a peace officer who is attempting to capture or who has captured an animal that is subject to impoundment or seizure pursuant to this bylaw;
- (b) open the vehicle or enclosure in which an animal is being held pursuant to an impoundment or seizure;
- (c) remove, or attempt to remove any animal from the possession of a peace officer; or
- (d) untie, loosen, or otherwise free an animal that has been tied or otherwise held by a Peace Officer.

Reclaiming

25. (1) The proven owner of any impounded or seized animal may reclaim the animal by:

- (a) paying to the City the appropriate fees as set out in Schedule A of this Bylaw; and
- (b) where a licence is required under this Bylaw, obtaining the licence for such animal.

(2) Notwithstanding subsection (1), if an dog was seized pursuant to section 17, a peace officer may refuse a request to reclaim the dog, for a period not exceeding twenty one (21) days from receiving the request

- (a) in order to allow for any appropriate behavioral assessments to take place; and
 - (b) to assist with determining any appropriate release conditions or to seek an order to have the animal destroyed.
- (3) Any costs incurred for a behavioral assessment, boarding and/or care of an animal while in custody are costs that must be paid by the animal owner prior to the reclaiming of the animal.

General Authority of the City Manager

26. (1) The City Manager may:
- (a) receive any animal into protective care pursuant to a fire, flood or other reasons;
 - (b) retain an animal temporarily;
 - (c) charge the owner the appropriate fees pursuant to Schedule A ; and
 - (d) at the end of the custodial period, if no other arrangements are made between the owner and the City, treat an animal as unclaimed.
- (2) The City Manager, after giving due consideration of the individual circumstances may offer for sale, euthanize, or otherwise dispose of all unclaimed animals that have been taken into the City's custody.

Off-Leash Area Designation

- 27 (1) All Enclosed Outdoor Rinks are hereby designated as off-leash areas.
- (2) The City Manager shall designate off-leash areas in accordance with section 13 of this Bylaw using the following criteria;
- (a) off-leash areas must be on City owned or controlled land,
 - (b) off-leash areas must not encroach into Tot Lots,
 - (c) off-leash areas may include areas that are regularly used as programmable park space (sports fields), and

- (d) the City Manager shall, endeavor to establish at least one off-leash area in every neighbourhood, in addition to the off-leash areas designated in subsection 1.
- (3) The City Manager shall establish a process and policy for:
- (a) adding new off-leash areas to new neighbourhoods,
 - (b) reviewing off-leash areas from time to time, and
 - (c) accepting applications from residents, groups or organizations for adding, removing or altering an off-leash area.

PART 7

ENFORCEMENT

Offence

28. (1) A Person who contravenes any provision of this Bylaw is guilty of an offence.

Continuing Offence

29. In the case of an offence that is of a continuing nature, a contravention of a provision of this Bylaw constitutes a separate offence with respect to each day, or part of a day, during which the contravention continues, and a person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such separate offence.

Fines and Penalties

30. A Person who is guilty of an offence under this Bylaw is liable
- (a) to a fine as prescribed in Schedule B; or
 - (b) on summary conviction, to a fine not exceeding \$10,000.00 or to an order of imprisonment for not more than 1 year, or both.

Municipal Violation Tag

31. (1) A Peace Officer may issue, with respect to an offence under this Bylaw, a Municipal Violation Tag specifying the fine amount (including any Early Payment fine amount) established by this Bylaw.

- (2) Where a Municipal Violation Tag is issued, the fine amount indicated thereon may be paid as directed in lieu of prosecution.

Violation Ticket

32. (1) A Peace Officer may issue, with respect to an offence under this Bylaw, a Violation Ticket:
- (a) specifying the fine amount established by this Bylaw; or
 - (b) requiring an appearance in court without the option of making a voluntary payment.
- (2) Where a Violation Ticket specifies a fine amount, a voluntary payment equal to the specified fine amount may be made as directed.

Certified Copy of Record

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

PART 8

BYLAW COMING INTO EFFECT

34. This Bylaw shall take effect on September 1, 2014 and Bylaw 38/78 shall be repealed,

SCHEDULE A – FEES

Fee Description	2014		
	Base Fee	Dog Park Surcharge	Total
New Dog Licence Fees			
New Dog Licence – Obtained January 1 to September 29	61.00	10.00	71.00
New Spay/Neutered Dog Licence – Obtained January 1 to September 29	28.00	10.00	38.00
New Dog Licence – Obtained September 30 to December 31	30.50	5.00	35.50
New Spay/Neutered Dog Licence – Obtained September 30 to December 31	14.00	5.00	19.00
Renewal Dog Licence Fees			
Renewal of Dog Licence on or before January 31	61.00	10.00	71.00
Renewal of Spay/Neutered Dog Licence on or before January 31	28.00	10.00	38.00
Renewal of Dog Licence on or after February 1 (50% increase – late fee)	91.50	10.00	101.50
Renewal of Spay/Neutered Dog Licence on or after February 1 (50% increase – late fee)	42.00	10.00	52.00
Dangerous Dog Fees			
Dangerous Dog Licence – payable upon determination date	250.00	10.00	260.00
Renewal of Dangerous Dog Licence on or before January 31	250.00	10.00	260.00
Renewal of Dangerous Dog Licence on or after February 1 (50% increase – late fee)	375.00	10.00	385.00
Special Dog Licence Fees			
Dog Licence – for proven rescue foster home	No Charge	No Charge	Nil
Dog Licence – for proven service, guide dog or service or guide dog in training	No Charge	No Charge	Nil

Kennel/Impound/Seizure Fees			
Shelter and Care – First day or part of a day	37.15	n/a	37.15
Shelter and Care – Each additional Day or part of a day	37.15	n/a	37.15
For any required veterinary treatment, including drugs or medicines	Actual Cost of the treatment	n/a	Actual Cost of the treatment
Other Fees			
Replacement Dog Tag	5.00	n/a	5.00

SCHEDULE B – FINES

Offence	Section	Specified Penalty	Early Payment Discount Rate
PART 2			
Fail to obtain dog licence	3(1)	250.00	N/a
Fail to notify City of licence information change	5	80.00	N/a
Provide false information to City regarding dog licence	6	250.00	N/a
Fail to ensure dog tag is worn	10(3)	125.00	N/a
PART 3			
Allow/permit dog to cause disturbance	12(1)	100.00	N/a
Fail to have dog under control & on a leash	13(1)	130.00	N/a
Fail to have dog under control in off-leash area	13(2)(c)	130.00	N/a
Fail to carry/produce leash when required	13(2)(d)	80.00	N/a
Allow/Permit dog to be in prohibited area	14	130.00	N/a
Allow/permit dog to damage property	15(1)(a)	250.00	N/a
Allow/permit dog to chase/attack/bite a person or animal	15(1)(b)	250.00	N/a
Allow/permit dog to chase/attack/bite a person or animal causing injury	15(1)(c)	500.00	N/a
Fail to immediately remove dog defecation	16(1)	250.00	N/a
Fail to carry/produce a means of picking up dog defecation	16(2)	80.00	N/a
PART 4			
Fail to abide by prescribed dangerous dog conditions	18	500.00	N/a

PART 5			
Keep more than 3 dogs when prohibited	19(1)	250.00	N/a
Keep livestock when prohibited	20	500.00	N/a
Fail to report suspected rabies incident when required	21(1)(a)	500.00	N/a
Fail to isolate dog as prescribed	21(1)(b)	500.00	N/a
Fail to confine dog as prescribed	21(1)(c)	500.00	N/a
PART 6			
Fail to report/provide information/surrender dog when required	23	150.00	N/a
Obstruct/interfere with peace officer	24	500.00	N/a