

CITY OF COLD LAKE
BYLAW #535-PL-14
A BYLAW REGULATING
ANIMAL CARE AND CONTROL

A BYLAW OF THE CITY OF COLD LAKE, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING ANIMAL CARE AND CONTROL WITHIN THE CITY

WHEREAS, Council deems it necessary and in the public interest to regulate the care and control of animals within the City of Cold Lake; and

AND WHEREAS the *Municipal Government Act*, RSA 2000, c. M-26 provides that Council may pass bylaws for municipal purposes respecting wild and domestic animals and activities in relation to them;

AND WHEREAS the *Municipal Government Act*, RSA 2000, c. M-26 provides that Council may by bylaw regulate, prohibit or provide for a system of licenses, permits or approvals including establishing fees for such licenses, permits and approvals;

NOW THEREFORE, by the authority of the Council of the City of Cold Lake, in the Province of Alberta, Council enacts the bylaw as follows:

SECTION 1 - TITLE

1. This Bylaw shall be cited as the "Animal Care and Control Bylaw".

SECTION 2 - DEFINITIONS

2. In this bylaw:

- 2.1. "Animal" means any animal either wild or domesticated and includes dogs, cats, and livestock, unless otherwise stated in this Bylaw.
- 2.2. "Animal Control Officer" means a Peace Officer, Bylaw Officer, a member of the RCMP or any person, firm, or corporation appointed by the Chief Administrative Officer of the City or under contract to the City to enforce the provisions of this Bylaw, and also includes a Special Constable or Peace Officer of the Alberta SPCA.
- 2.3. "Animal Control Tribunal" means the Council of the City of Cold Lake which shall hear appeals relating to an animal that has been designated a Vicious Animal.
- 2.4. "Animal License" means a metal tag issued to any owner of a dog or cat upon registration of that animal with the City, and payment of an annual licensing fee.
- 2.5. "Animal Waste" means all forms of waste from animals or the treatment of animals, and includes but is not limited to, animal feces and animal carcasses.
- 2.6. "Attack" means a physical attack by an animal on another animal or human by means of biting, scratching, jumping on, knocking over, charging, or similar action, that may or may not result in physical bodily damage or damage to property (such as clothing).
- 2.7. "Bite" means a physical bite by an animal on another animal or human which may or may not result in a puncture or breaking of the skin, bleeding, broken bones, loss of flesh, bruising, any similar injury, or damage to property (such as clothing).
- 2.8. "Breeder" means any person or corporation engaged in the breeding of dogs or cats and offering the offspring for sale or trade to the general public. Breeders must be able to verify their status by providing the City proof of membership in the Canadian Kennel Club or Canadian Cat Association. Breeders must also possess a valid City business license.

- 2.9. "Cat" means any domesticated feline animal of either sex.
- 2.10. "City" means the municipal corporation of the City of Cold Lake, or the geographical area falling within the corporate limits of the City of Cold Lake, as the context requires.
- 2.11. "Dog" means any domesticated canine animal of either sex.
- 2.12. "Highway" means the same as defined in the *Traffic Safety Act Revised Statutes of Alberta 2000 Chapter T-6* and its amendments and regulations, and includes a parking lot to which the public normally is permitted access.
- 2.13. "Livestock" means any bovine, equine, porcine, ruminant animal, pigeons, rabbits, fowl, or any other animal that may be involved in a commercial or agricultural undertaking.
- 2.14. "Motor Vehicle" means the same as defined in the *Traffic Safety Act Revised Statutes of Alberta 2000 Chapter T-6* and its amendments and regulations.
- 2.15. "Muzzle" means a humane fastening or covering device of adequate strength placed over the mouth of an animal to prevent it from biting, and words "muzzled" or "muzzling" shall have a similar meaning.
- 2.16. "Off Leash Area" means an area shown in Schedule "C" that is designated by the City through visible signage, where dogs are free to run without the need of a leash or tether, though other provisions of this Bylaw still apply.
- 2.17. "Officer" means a Peace Officer, a Bylaw Officer, a member of the RCMP, or any person appointed by the Chief Administrative Officer to enforce this Bylaw, and includes an Animal Control Officer as the context may require.
- 2.18. "Owner" shall mean:
- 2.18.1. Any person or corporate body who has legal title to an animal;
- 2.18.2. Any person who possesses or harbours an animal;
- 2.18.3. Any person who suffers any animal to remain about that person's residence or premises;
- 2.18.4. Any person occupying a residence where an animal is kept, harboured, or allowed to remain;
- 2.18.5. Any person who is in temporary control of an animal; or
- 2.18.6. Any person in direct or indirect physical control of an animal; and
- 2.18.7. In the case where the owner is a dependent under the age of eighteen (18), the owner shall be that child's parent or guardian.
- 2.19. "Possession" shall mean:
- 2.19.1. Having direct or indirect physical control of an animal;
- 2.19.2. Having given physical control of an animal to another person for a period of time; or
- 2.19.3. Where one of two or more people has physical control of an animal, it shall be deemed to be in the control of each and all of them.
- 2.20. "Pound" means a place designated by the City to act as an animal shelter where animals can be placed and impounded.

- 2.21. "Pound Keeper" means a person or organization, and their employees or agents, appointed by the City to be in charge of the Pound, and the shelter and welfare of the animals kept therein, and can include an Officer.
- 2.22. "Prohibited Animal" means any animal that is prohibited from being owned or kept within the City, as indicated by Schedule "D" of this Bylaw.
- 2.23. "Provocation" means the intentional teasing, irritation, annoyance, or incitement of an animal resulting in its indignation or anger.
- 2.24. "Right of Access" means the right of an Officer to enter onto any property, excluding inside a private dwelling house, to inspect the property and determine whether a violation has occurred, or to enforce the provisions of this bylaw, including the capture of an animal running at large.
- 2.25. "Run(ning) At Large" means an animal that is found on any public property or private property without consent from the owner of that property that is not under the direct physical control of a person by means of a leash or other similar device.
- 2.26. "Service Animal" means any animal that is trained by a specialized school for service and:
- 2.26.1. is a guide dog for the blind or visually impaired;
- 2.26.2. is a guide dog for the deaf or hearing impaired?
- 2.26.3. is a special skills animal for other disabled persons which includes animals used in therapy, registered with a recognized organization for that purpose;
- 2.26.4. is a trained and certified animal used in search and rescue operations; or
- 2.26.5. is an animal owned by the RCMP or other police service that is engaged in police work.
- 2.27. "Vicious Animal" shall mean any animal which, when on or off the property of its owner:
- 2.27.1 shows or has shown a propensity, disposition, or potential to attack, bite, or injure without provocation, other animals or humans;
- 2.27.2 without provocation chases or charges any person approaching it or passing by it;
- 2.27.3 is a continuing threat of serious harm to other animals or humans; or
- 2.27.4 without provocation has attacked or bitten any animal or human.
- 2.28. "Violation Tag, Municipal" means a tag or similar document issued by the City pursuant to the Municipal Government Act R.S.A. 2000 as amended.
- 2.29. "Violation Ticket, Provincial" has the same meaning as in the Provincial Offences Act R.S.A. 2000 as amended.
- 2.30. "Working Day" means any day where the Pound is open to the public for regular business.

SECTION 3 - INTERPRETATION

- 3.1. Each provision of this bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a Court of competent jurisdiction all other provisions of this bylaw remain valid and enforceable.
- 3.2. Nothing in this bylaw relieves a person from complying with the provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order or license.
- 3.3. Any heading, subheading or tables of content in this bylaw are included only for convenience, and shall not form part of this bylaw.
- 3.4. Where this bylaw refers to another Act, bylaw regulation or agency, it includes reference to any Act bylaw, regulation or agency that may be substituted therefore.
- 3.5. All schedules attached to this bylaw shall form part of this bylaw.

SECTION 4 - GENERAL AUTHORITY

- 4.1. The Chief Administrative Officer is hereby delegated the authority to
 - 4.1.1. carry out any investigations or inspections to determine compliance with this bylaw;
 - 4.1.2. take any steps or carry out any actions required to enforce this bylaw;
 - 4.1.3. take any steps or carry out any actions required to remedy any contravention of this bylaw;
 - 4.1.4. establish investigation and enforcement procedures with respect to a contravention of this bylaw;
 - 4.1.5. establish any forms for the purposes of this bylaw;
 - 4.1.6. issue licenses with such terms and conditions as deemed appropriate; or
 - 4.1.7. delegate any powers.
- 4.2. The Chief Administrative Officer may appoint any person or corporation to act as an Animal Control Officer and/or a Pound Keeper, and may set the remuneration to be paid to each.
- 4.3. Council may designate by way of resolution, any animal as a prohibited animal, and such animal shall be listed in Schedule "D" of this Bylaw.

SECTION 5 - ANIMAL LICENSING

- 5.1. Every owner of a dog or a cat that is apparently six (6) months of age or older must register their animal with the City and obtain an Animal License.
- 5.2. The owner applying for an Animal License must provide:
 - 5.2.1. Name, street address, postal address, and phone number;
 - 5.2.2. Name and description of animal to be licensed;
 - 5.2.3. A certificate acceptable to the City certifying that the dog or cat to be licensed has received a rabies vaccination within the last twelve (12) months; and
 - 5.2.4. Any other information that may be required by the City.

- 5.3. The owner must apply for a license prior to March 1st in each calendar year, for each dog or cat to be licensed, and shall pay the annual license fee outlined in Schedule "A".
- 5.4. Upon payment of the license fee, the City shall issue the owner a metal license tag on which shall be inscribed a registration number corresponding to the registration in a master database kept by the City.
- 5.5. Animal Licenses shall be valid from January 1st and expire on December 31st of each year.
- 5.6. A person or corporation who is a licensed Breeder shall notify the City of the birth of any dogs or cats and, upon that animal reaching six (6) months of age, shall register and license each dog or cat that remains in their possession.
- 5.7. An Animal License must be securely affixed to the collar of the dog or cat to which it belongs any time that animal is off the property of its owner.
- 5.8. Should an Animal License become lost for whatever reason, a new license shall be required. The replacement license shall be issued by the City upon the payment of a fee outline in Schedule "A".
- 5.9. Where a license fee required pursuant to this Bylaw has been paid by an uncertified cheque, the license:
 - 5.9.1. Is issued subject to the cheque being honoured by the bank without any mention of this condition on the license; and
 - 5.9.2. Is automatically revoked if the cheque was not honoured by the bank from which it was issued.
- 5.10. No person shall be entitled to a rebate or refund for a license issued pursuant to this Bylaw.
- 5.11. All fees for an Animal License are set out in Schedule "A".
- 5.12. No Animal License shall be required for a dog or a cat that is accompanying a person who is visiting the City, provided that they do not stay in the City in excess of thirty (30) days, the proof of which shall be on that person. All other provisions of this Bylaw shall still apply.
- 5.13. No Animal License shall be required for any animal that is brought into the City for the purposes of a competition, parade, fair, exhibition, or other similar event, provided that those animals are under the care and supervision of a competent person at all times.
- 5.14. There shall be no fee payable for an Animal License for a Service Animal, and a police service shall not be required to obtain a license for their animals.
- 5.15. No person shall use, or permit to be used, an Animal License that belongs to a different animal.
- 5.16. Any person who provides false information, or willfully misrepresents themselves on the license application is guilty of an offence.

SECTION 6 - GENERAL REGULATIONS

- 6.1. No person, including an owner, shall knowingly or unknowingly allow an animal under their control to:
 - 6.1.1. run at large within the City;

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- 6.1.2. notwithstanding, Section 6.1.1, a dog may be allowed to run off leash in areas that are clearly signed as an Off Leash Area. These areas shall be designated by Council; the signage put up by the City;
- 6.1.3. pursue or bark at any vehicle on a highway so as to constitute a nuisance;
- 6.1.4. pursue or bark at any person so as to constitute a nuisance;
- 6.1.5. enter into any parkland, playground, or other public area where signs erected by the City clearly indicate that no animals, or no dogs, are allowed;
- 6.1.6. be in a floral area of any parkland;
- 6.1.7. enter upon any cemetery;
- 6.1.8. upset any garbage container;
- 6.1.9. cause damage to any person, animal, or property;
- 6.1.10. enter any public swimming, bathing, wading pool or splash park;
- 6.1.11. bark, howl, or create noise in an excessive manner which disturbs the peace and quiet of any person in the City;
- 6.1.12. with respect to a female dog or cat in estrus or in heat, allow said animal to be on their property without securing the animal with a tether or in an enclosure, to prevent it from running at large; or
- 6.1.13. enter into any City owned facility;
- 6.1.14. notwithstanding, section 6.1.13 an animal may enter a City owned facility if it is a Service Animal, or if there is a special event at the facility and animals are permitted to be there.
- 6.2. No person, including an owner, shall:
 - 6.2.1. Allow an animal under their control to defecate on public or private property, other than the property of its owner, and fail to immediately remove and clear such defecation.
 - 6.2.2. Allow a property under their control to contain an unreasonable buildup of animal waste so as to create a nuisance or health concern.
- 6.3. The provisions of subsection 6.2 shall not apply to a Service Animal where the person in care or control of that animal has a physical disability, including visual impairment, which would prevent them from being able to clean up after their animal.
- 6.4. No person shall run a dog or dogs in a harness so as to obstruct traffic or pedestrians; and
 - 6.4.1. When operating a bicycle or other wheeled conveyance on a pathway or sidewalk, no person shall do so with an animal on a leash;
 - 6.4.2. The provisions of subsection 6.6 shall not apply to a person operating a device designed for persons with disabilities.
- 6.5. No person shall keep or harbour any livestock on non-agricultural land within the City.

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- 6.6. Notwithstanding subsection 6.7, livestock is permitted within the City if it is involved in a competition, parade, fair, exhibition, zoo, or other similar event, provided that the livestock is kept secure and under the control of a competent person at all times.
- 6.7. No person shall keep a prohibited animal, as outlined in Schedule "D" of this Bylaw.
- 6.8. Notwithstanding subsection 6.9, prohibited animals are permitted within the City if they are involved in a competition, parade, fair, exhibition, zoo, or other similar event, provided that prior written permission is obtained from the Chief Administrative Officer of the City, and the animals are kept secure and under the control of a competent person at all times.
- 6.9. No person shall keep, in or about a dwelling unit on land zoned as residential within the City, more than:
 - 6.9.1. Three (3) dogs;
 - 6.9.2. Three (3) cats;
 - 6.9.3. Where both dogs and cats are kept, a total number of five (5) animals
 - 6.9.4. Two (2) rabbits.
- 6.10. The provisions of section 6.9 shall not apply to:
 - 6.10.1. A business operating as a pet shop or pet store provided that the business possesses a valid City business license and is operating on lands zoned for that purpose;
 - 6.10.2. A Breeder provided that they possess a valid City business license and is operating on lands zoned for that purpose;
 - 6.10.3. A foster home for animals provided that they are registered with the local Humane Society or SPCA as a foster home;
 - 6.10.4. A facility for the training of certified Service Animals;
 - 6.10.5. The designated City pound or animal shelter;
 - 6.10.6. Any lands zoned as agricultural.

SECTION 7 - IMPOUNDMENT

- 7.1. Any animal caught running at large in the City is subject to seizure and impoundment at the Pound.
- 7.2. Any person may seize, using no more force than is necessary, an animal running at large, and may deliver that animal to an Officer or to the Pound.
- 7.3. Any Officer who witnesses an animal running at large may use as much force as is necessary to affect the capture of that animal, and deliver that animal to the owner, to the owner's property provided someone is there to take possession, or to the Pound.
- 7.4. With respect to the City Pound:
 - 7.4.1. Council shall designate a place to be operated as the Pound for the keeping of animals impounded pursuant to this Bylaw.

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- 7.4.2. Council may make any rules and regulations pursuant to this Bylaw that it feels is necessary for the operation of the Pound.
- 7.4.3. Where an animal is delivered to the Pound by an Officer or person, the Pound Keeper shall take custody of the animal and provide all the necessary care to ensure the animal is fed and sheltered properly.
- 7.4.4. The Pound Keeper shall take all reasonable steps to locate and contact the registered owner of the animal through the current Animal License, provided one is attached.
- 7.4.5. The Pound Keeper or Officer shall keep a registration book at the Pound in which the following information shall be recorded:
 - 7.4.5.1. Name of the owner of each animal which is impounded;
 - 7.4.5.2. Date of issue of late Animal Licenses for dogs and cats;
 - 7.4.5.3. Date impoundment for an animal;
 - 7.4.5.4. Description of the animal impounded;
 - 7.4.5.5. Sex of the animal impounded;
 - 7.4.5.6. Registration number of the animal impounded, if any;
 - 7.4.5.7. Date an animal was released to its owner;
 - 7.4.5.8. Fees, penalties, and expenses collected; and
 - 7.4.5.9. Where an animal was not collected by its owner, the date and manner of disposition, including the name, address, and telephone number of the person or institution to whom the animal was sold, adopted, or donated to.
- 7.5. Where an animal has been impounded, the owner shall have three (3) working days to reclaim the animal, and the Pound Keeper shall, subject to the provisions of this Bylaw, release such animal upon being satisfied that:
 - 7.5.1. All penalties and pound fees have been paid; and
 - 7.5.2. A valid Animal License has been obtained.
- 7.6. Notwithstanding section 7.5, if in the opinion of the Pound Keeper or Officer an animal appears to be a pure-bred animal or if it bears an obvious identification tattoo, brand, mark, tag, or license, the owner of said animal shall have ten (10) working days to reclaim the animal.
- 7.7. Any animal left at the Pound beyond the holding period identified in section 7.5 or 7.6 may be disposed of by the Pound Keeper at their discretion by:
 - 7.7.1. Selling it to any person for an amount equal to the impound, vaccination (if necessary), and licensing fees;
 - 7.7.2. Selling it to a person according to the criteria set out in an adoption program, details of which can be found in Schedule "B" of this Bylaw;
 - 7.7.3. having the animal destroyed by a qualified veterinarian in a humane manner;
 - 7.7.4. Shipping it to another animal shelter or SPCA facility for adoption purposes; or
 - 7.7.5. Shipping it to any certified educational institution for vivisection or other uses.

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- 7.8. If an animal is disposed of in accordance with section 7.7, the ownership of the animal is deemed to vest in the person or organization paying the impound fees, and any previous claim of ownership on the animal shall be deemed null and void.
- 7.9. Should an animal be suspected of being rabid, the animal shall be quarantined and dealt with in accordance with the provisions of the *Animal Health Act, Statutes of Alberta, 2007, Chapter A-40.2* and all its associated regulations.
- 7.10. The City shall not be held responsible for any animal impounded for more than three (3) working days.
- 7.11. Where an animal is sold pursuant to this Bylaw, the proceeds of the sale of the animal shall be paid to the City, unless an agreement states otherwise.

SECTION 8 - TRAPS

- 8.1. It shall be lawful for an Officer or Pound Keeper to employ the use of lure, bait, nets, sonic, tranquilizers, mechanical devices, snares, catch poles, cages, or combination of same, or any other means whatsoever for the purposes of capturing an animal running at large.
- 8.2. Private traps may be used by the public to capture nuisance animals on a person's own property, provided that such traps or trapping methods:
 - 8.2.1. Receive approval from an Officer prior to their use;
 - 8.2.2. Are of a type that ensure the humane trapping of an animal; and
 - 8.2.3. Do not cause any physical or undue emotional or psychological harm to the animal.
 - 8.2.4. No trapping takes place in temperatures below Zero (0) Degrees Celsius.
- 8.3. It shall be a serious offence to use an inhumane trap or trapping method, including leg hold traps, to capture an animal.
- 8.4. The provisions of section 8 shall not apply to:
 - 8.4.1. A provincial or federal wildlife officer fulfilling their sworn duties;
 - 8.4.2. A pest control officer employed by the City of Cold Lake; or
 - 8.4.3. A pest control worker employed by a pest control company that possesses a valid City business license.

SECTION 9 - GENERAL ANIMAL CARE AND WELFARE

- 9.1. Every person or owner who keeps an animal within the City has a duty and shall ensure that the animal is provided with the following basics:
 - 9.1.1. A clean and sanitary environment free from an unreasonable accumulation of animal waste;
 - 9.1.2. Shelter from the elements protecting the animal from injurious heat or cold;
 - 9.1.3. An adequate and appropriate supply of food and clean water; and
 - 9.1.4. The opportunity for physical movement and activity.
- 9.2. Where an Officer believes that an animal is not being provided with the basics under section 9.1, the Officer is authorized to:

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- 9.2.1. Inspect the conditions that an animal is being kept in to see if a violation occurs;
- 9.2.2. Issue a written letter to the owner of the animal directing them to rectify any substandard conditions, set a date by which those conditions must be fixed, and set a date for re-inspection;
- 9.3. Where an Officer feels that the health of an animal is in immediate jeopardy constituting an emergency situation, the Officer is authorized to:
 - 9.3.1. seize that animal from the owner or property, and immediately take it to qualified veterinarian for medical care, the costs of which shall be assessed against the owner;
 - 9.3.2. take the animal into protective impoundment at the Pound for a maximum period of five (5) days, the costs of which shall be assessed against the owner; and
 - 9.3.3. after the five (5) day period, release the animal back to the owner if arrangements have been made and all fees have been paid, or treat the animal as a normal impoundment.
- 9.4. An Officer is authorized to receive animals pursuant to an eviction, incarceration, fire, medical emergency, or similar situation. Such animals shall be taken to the Pound and if arrangements have been made and all fees paid, the animal shall be released back into the owner's custody. If no arrangements have been made the animal shall be treated as a normal impoundment.
- 9.5. No person shall keep an animal tethered on a rope, chain, or similar restraining device unless:
 - 9.5.1. The tether is of an appropriate length for the species tethered;
 - 9.5.2. The animal has unrestricted movement within the range of such tether;
 - 9.5.3. The animal cannot become entangled in a way that would cause injury or impairment to the animal;
 - 9.5.4. The animal cannot injure themselves in any way as a result of the tethering; and
 - 9.5.5. The tether does not allow the animal to go beyond its own property.
- 9.6. Notwithstanding section 9.5, any person who keeps an animal on a tether on their own property shall ensure that the tether is at minimum three (3) metres in length, provided the animal cannot go beyond its own property.
- 9.7. No person shall tether an animal on their own property using a choke chain, choke collar, pronged collar, or any other similar device when the animal is unattended.
- 9.8. No person shall:
 - 9.8.1. injure, maim, torture, abuse, or cause harm to any animal;
 - 9.8.2. intentionally kill an animal that does not belong to them;
 - 9.8.3. tease, distress, or torment an animal in an inhumane way;
 - 9.8.4. intentionally provoke an animal, inciting it to anger;

- 9.8.5. untie, let loose, or set free any animal that was secured on public or private property, causing such animal to run at large;
- 9.8.6. open any cage, gate, or similar enclosure causing an animal to run at large;
- 9.8.7. leave an animal in a vehicle where the animal could suffer, or does suffer, as a result of the weather conditions; or
- 9.8.8. leave an animal unsecured in a vehicle, including in the back of a pickup truck, allowing the animal to come into unrestricted contact with people or other animals.
- 9.8.9. for the purposes of subsections 9.8.7 and 9.8.8, the registered owner of the vehicle involved in the offence shall be guilty of the offence, unless the owner satisfies the Court that the vehicle was:
 - 9.8.9.1. not being driven or parked by the registered owner; and
 - 9.8.9.2. that the person driving or parking the vehicle at the time of the offence did so without the registered owner's expressed or implied consent.
- 9.9. No person shall allow an animal to be outside of the passenger cab of a motor vehicle on a highway, regardless of whether the vehicle is in motion or not.
- 9.10. Notwithstanding subsection 9.9, a person may place an animal outside the passenger cab of a motor vehicle, including a pickup truck or flatbed truck, provided that the animal is:
 - 9.10.1. inside a fully enclosed trailer;
 - 9.10.2. inside a topper enclosing the bed area of a truck;
 - 9.10.3. contained in a ventilated kennel or similar device that is securely fastened to the bed of the truck; or
 - 9.10.4. securely tethered in a way that the animal is not standing on bare metal, cannot jump or be thrown from the vehicle, is not in danger of strangulation or dragging, and cannot reach beyond the outside edges of the vehicle.
- 9.11. For the purposes of sections 9.9 and 9.10, the registered owner of the vehicle involved in the offence shall be guilty of the offence, unless the owner satisfies the Court that the vehicle was:
 - 9.11.1. not being driven or was not parked by the registered owner; and
 - 9.11.2. that the person driving or parking the vehicle at the time of the offence did so without the registered owner's expressed or implied consent.
- 9.12. Every owner shall ensure that any dog or cat that is over the age, or appears to be over the age of six (6) months, has an up to date rabies vaccination.

SECTION 10 - ANIMAL BITES AND ATTACKS

- 10.1. No person, including an owner, shall permit, whether intentional or unintentional, an animal under their care or control to bite or attack a person without provocation, regardless of whether the animal was on public or private property.
- 10.2. Any person is justified in using reasonable force, including destroying an animal, in order to prevent or stop an attack or bite.

- 10.3. An Officer is justified in using any force necessary, including destroying an animal, in order to prevent or stop an attack or bite.
- 10.4. Where an animal has bitten or attacked, the animal shall immediately enter a mandatory quarantine period of ten (10) days. At the discretion of an Officer, the quarantine may occur:
 - 10.4.1. at the owner's residence, subject to section 10.5;
 - 10.4.2. at the Pound; or
 - 10.4.3. at the office of a licensed veterinarian.
- 10.5. If an animal is quarantined at the residence of its owner, an Officer shall give a letter to the owner advising that the following conditions must be followed for the period of the quarantine:
 - 10.5.1. The animal must be kept indoors at all times;
 - 10.5.2. The animal may be taken outdoors to relieve itself, but it must be under the immediate supervision of a person over the age of sixteen (16), and the animal must remain on the owner's property;
 - 10.5.3. At no time is the animal allowed off the owner's property, except to be taken to a licensed veterinarian or the Pound;
 - 10.5.4. The animal cannot come into contact with any other animal or person that does not normally reside at the residence; and
 - 10.5.5. Should the animal display any signs or symptoms of rabies, mange, canine distemper, hepatitis, parvo virus, or a significant change in mood or personality, the owner shall immediately notify the Officer who issued the quarantine letter.
- 10.6. If an owner fails to abide by the conditions of section 10.5, an Officer may seize the animal and take it to the Pound or to a licensed veterinarian to be quarantined for ten (10) full days from the start of the impoundment. The owner shall be responsible for all costs associated with the impoundment.
- 10.7. If an animal quarantined at the Pound or at the office of a licensed veterinarian is found to show signs or symptoms of rabies, canine distemper, hepatitis, parvo virus, or a significant change in mood or personality including depression, dehydration, loss of appetite, or vomiting or diarrhea with or without blood, the Pound Keeper or veterinarian upon notifying the owner and the City shall have the authority to destroy the animal.
- 10.8. The owner of an animal that has bitten or attacked must, upon request from an Officer, produce proof that the animal has a valid and current rabies vaccination.
- 10.9. Where in the opinion of an Officer an animal has pursued, attacked, or bitten another animal or person, and such animal is thought to be a danger to the public, an Officer may issue a summons to the owner requiring them to appear before the Court stating:
 - 10.9.1. the date, time, and place the owner must appear; and
 - 10.9.2. requesting that the Court issue a destruction order for the animal.

SECTION 11 - VICIOUS ANIMALS

- 11.1. A vicious animal is any animal which, when on or off the property of its owner:



- 11.1.1. Shows or has shown a propensity, disposition, or potential to attack, bite, or injure without provocation, other animals or humans;
 - 11.1.2. without provocation, chases or charges any person approaching it or passing by it;
 - 11.1.3. Is a continuing threat of serious harm to other animals or humans; or
 - 11.1.4. Without provocation has attacked or bitten any animal or human.
- 11.2. An Officer, as a result of personal observations or a public complaint, may designate an animal a vicious animal by writing a letter and such letter shall:
- 11.2.1. Be hand delivered to the owner, or sent by registered mail to the last known address of the owner;
 - 11.2.2. Inform the owner the reason(s) why their animal has been designated vicious;
 - 11.2.3. Advise the owner that they must now abide by the conditions under section 11.3 of this Bylaw; and
 - 11.2.4. Advise the owner they may appeal the designation by following the provisions of section 12.4 of this Bylaw.
- 11.3. The owner of a designated vicious animal must abide by the following conditions:
- 11.3.1. Obtain and maintain in force a policy of liability insurance in a form satisfactory to the City, providing third party liability coverage in an amount no less than \$500,000 for injuries caused by the owner's vicious animal;
 - 11.3.2. Obtain a vicious animal license as outlined in Schedule A of this Bylaw, and ensure that such license is always affixed to the collar of the vicious animal;
 - 11.3.3. Ensure the rabies vaccination for the vicious animal is kept up to date;
 - 11.3.4. Ensure that when the vicious animal is on the owner's property;
 - 11.3.5. The animal is kept indoors;
 - 11.3.6. When outdoors the animal is under the immediate supervision of a person over the age of sixteen (16); and
 - 11.3.7. If the animal is outdoors and unattended, that it is secured in a pen, cage, kennel, or similar enclosure that prevents the animal from escaping off the property, and prevents a child from being able to enter the pen with the animal;
 - 11.3.8. Ensure that when the vicious animal is off the owner's property;
 - 11.3.9. The animal is under the immediate supervision and control of a person over the age of sixteen (16);
 - 11.3.10. the animal is wearing a humane muzzle that prevents it from being able to bite another animal or person; and
 - 11.3.11. the animal is on a leash or tether no longer than three (3) metres in length and of sufficient strength to ensure the animal cannot break away.

- 11.4. The provisions of subsection 11.3 shall not apply when the vicious animal is in a building or enclosure in attendance at a bona fide dog or animal show.
- 11.5. Post "Beware of Dog" signs or similar cautionary signs as the case may be, at every entrance to the owner's property.
- 11.6. Any person or owner who believes that their animal is a vicious animal shall keep such animal in accordance with the provisions of section 11.3 of this Bylaw.
- 11.7. The owner of a Vicious Dog shall ensure that such Dog not, without provocation, chase, pursue, injure or bite a person or other domestic animal.
- 11.8. Any owner of a Vicious Dog must at all times, prevent such dog from running at large. The owner of a Vicious Dog shall notify the City if the dog is running at large.

SECTION 12 - ANIMAL CONTROL TRIBUNAL

- 12.1. The City shall create an Animal Control Tribunal to hear appeals of vicious animal designations, and Council shall appoint members to sit on the Tribunal.
- 12.2. The Tribunal shall be made up of two (2) members of Council, and the Chief Administrative Officer of the City or their designate.
- 12.3. Membership on the Tribunal for Councilors shall be for a term of two (2) years.
- 12.4. A person or owner who receives a letter designating their animal as a vicious animal shall have fourteen (14) days from the date of the designation to appeal the decision by:
 - 12.4.1. submitting a written request to the Chief Administrative Officer of the City stating the reasons for an appeal; and
 - 12.4.2. delivering the letter by mail or by hand to City Hall.
- 12.5. The CAO, or their designate, upon receiving a letter of appeal shall:
 - 12.5.1. set the date, time, and location for the Tribunal to meet within thirty (30) days of the receipt of an appeal letter;
 - 12.5.2. notify the owner or person affected in writing; and
 - 12.5.3. notify the Officer who issued the letter of the appeal.
- 12.6. When hearing an appeal, the Tribunal shall:
 - 12.6.1. Allow the City to present evidence as to why the designation was issued including:
 - 12.6.1.1. The Officer's testimony;
 - 12.6.1.2. The testimony of any complainants, witnesses, victims, or experts;
 - 12.6.1.3. Any pictures or supporting documents; and
 - 12.6.1.4. Any other relevant evidence.
 - 12.6.2. Allow the owner or person affected to present evidence as to why the designation should be overturned, including:
 - 12.6.2.1. The owner's testimony;

- 12.6.2.2. The testimony of any witnesses or experts;
- 12.6.2.3. Any pictures or supporting documents; and
- 12.6.2.4. Any other relevant evidence.

12.6.3. Upon hearing from all affected parties, make a decision to either:

- 12.6.3.1. uphold the original designation;
- 12.6.3.2. add, modify, or remove certain conditions of the designation;
or
- 12.6.3.3. grant the appeal and quash the designation.

12.7. The decision of the Tribunal shall be final and binding on all parties.

SECTION 13 - OBSTRUCTION

13.1. No person, whether or not that person is the owner of an animal, shall:

- 13.1.1. Remove any collar or license from an animal that does not belong to them;
- 13.1.2. Break into or break open any Pound;
- 13.1.3. Remove any animal from the Pound without the permission of the Officer;
- 13.1.4. Interfere with an Officer, or any of their assistants, who is actively trying to capture an animal running at large;
- 13.1.5. Entice an animal to run at large;
- 13.1.6. Induce an animal to enter any place where it would be safe from capture or otherwise assist an animal to avoid capture;
- 13.1.7. Falsely represent oneself as the owner of an animal so as to establish that the animal was not running at large;
- 13.1.8. Interfere with, unlock, open, or remove any cage or door on an Officer's vehicle; or
- 13.1.9. Remove or set free any animal in an Officer's vehicle.

13.2. Any person who willfully or knowingly obstructs an Officer in their duties to enforce the provisions of this Bylaw is guilty of an offence.

SECTION 14 - EXEMPTIONS

14. The provisions of this Bylaw shall not apply to:

- 14.1. An animal used by the RCMP or other police service while that animal is engaged in police work; and
- 14.2. Provincial or federal wildlife officers while fulfilling their sworn duties.

SECTION 15 - ENFORCEMENT

- 15.1. An Officer shall have a Right of Access to any property, excluding the interior of a private dwelling house, to enforce the provisions of this Bylaw.
- 15.2. For the purposes of enforcing this Bylaw, the owner, possessor, or harbourer of an animal shall provide his or her correct name and resident address to an officer

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upon demand. Failure or refusal to do so upon first demand of the officer shall constitute an offence under this Bylaw.

- 15.3. An Officer may capture and impound any animal which they believe has contravened a section of this Bylaw.
- 15.4. Where an animal cannot be captured and the owner cannot be ascertained or located, an Officer may destroy that animal.
- 15.5. The Officer shall document all efforts involved in attempting to capture the animal, and all efforts involved in attempting to find an owner. This documentation shall be kept for a period of one (1) year.
- 15.6. Where in the opinion of an Officer an animal constitutes a public nuisance as a result of excessive noise or being at large on three (3) or more occasions within one calendar year, an Officer shall issue a provincial violation ticket to the owner requiring them to appear before the Court, and;
 - 15.6.1. Stating the date, time, and place the owner must appear; and
 - 15.6.2. Requesting that the Court issue a destruction order for the animal.

SECTION 16 - OFFENCES AND PENALTIES

- 16.1. Any person or corporation that contravenes this Bylaw is guilty of an offence.
- 16.2. Any person who willfully obstructs an Officer or assault an Officer with the intent to resist or prevent the lawful arrest or detainment of themselves, another person or an animal in the exercise or performance of their duties related to this Bylaw is guilty of an offence.
- 16.3. A person who is guilty of an offence is liable, upon summary conviction, to a fine in an amount not less than that established in Schedule "E" of this Bylaw, and not exceeding Five Thousand (\$5,000.00), and to imprisonment for not more than six months for non-payment of a fine.
- 16.4. The penalty for a second offence, within a calendar year, shall be double the fine amount as indicated in Schedule "E" of this Bylaw.
- 16.5. The penalty for a third and subsequent offences, within a calendar year, shall be triple the fine amount as indicated in Schedule "E" of this Bylaw.

SECTION 17 - MUNICIPAL VIOLATION TAGS AND PROVINCIAL VIOLATION TICKETS

- 17.1. A municipal violation tag or provincial violation ticket may be issued in respect to an offence, and the violation tag or ticket must specify the fine amount established by this Bylaw for the offence;
- 17.2. The person receiving the municipal violation tag or provincial violation ticket may pay the fine amount on or before the required date, and this person shall not be prosecuted for the offence;
- 17.3. A provincial violation ticket must be paid before the date specified by the ticket;
- 17.4. A municipal violation tag must be paid within thirty (30) days of the date it was issued;
- 17.5. If a municipal violation tag has been issued, a person may, prior to the required date, request that a provincial violation ticket be issued in place of a municipal violation tag to allow that person to attend court with respect to the offence.

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17.6. If a provincial violation ticket is issued in respect to an offence:

17.6.1. The provincial violation ticket may specify the fine amount established by this bylaw for the offence;

17.6.2. The provincial violation ticket may require a person to appear in court without the alternative of making a voluntary payment;

17.7. If a provincial violation ticket specifies a fine amount, a person may make a voluntary payment equal to the fine amount specified on or before the required date, and this person shall not be prosecuted for the offence; or

17.8. If a provincial violation ticket specifies a fine amount, a person or their agent may appear in court on the required date and elect to enter a plea with respect to the offence.

SECTION 18 - EFFECT

18.1. This bylaw shall come into full force and effect immediately upon the date of its final passing.

FIRST READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this 14th day of October, A.D. 2014, on motion by Councillor Vining.

**CARRIED
UNANIMOUSLY**

SECOND READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this 25th day of November, A.D. 2014, on motion by Councillor Buckle, as amended.

**CARRIED
UNANIMOUSLY**

THIRD AND FINAL READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this 25th day of November, A.D. 2014, on motion by Councillor MacDonald.

**CARRIED
UNANIMOUSLY**

Executed this 25 day of November, 2014

CITY OF COLD LAKE

MAYOR



CHIEF ADMINISTRATIVE OFFICER

**CITY OF COLD LAKE
BYLAW #535-PL-14
A BYLAW REGULATING
ANIMAL CARE AND CONTROL**

Schedule “A” – Fees

Animal Licensing Fees

Dog and Cat	Basic	\$40 annually
	Neutered or Spayed	\$20 annually
Vicious Animal		\$50 annually
Service Animal		Free
Replacement of Lost or Stolen License		\$10
Transfer to new animal		Free

Impound Fees

First Day	\$40
Additional days	\$15 per day

Drop Off and Surrender Fees as determined by the Pound
Keeper

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CITY OF COLD LAKE
BYLAW #535-PL-14
A BYLAW REGULATING
ANIMAL CARE AND CONTROL

Schedule "B" – Animal Adoption Program

1. Every animal kept in the Pound beyond three (3) days, not including the day of impoundment, shall be eligible to be adopted out to the public.
2. Notwithstanding section 1, if in the opinion of the Pound Keeper or Officer an animal appears to be a pure-bred animal or if it bears an obvious identification tattoo, brand, mark, tag, or license, the animal shall become eligible for adoptions after ten (10) days of impoundment.
3. The Pound Keeper shall assess each animal, and provided it has a good disposition, put each animal up for adoption.
4. At the discretion of the Pound Keeper, an animal maybe sold to a person for an adoption fee.
5. The adoption fee shall be determined by the Pound Keeper and shall be made up of:
 - (a) Any costs incurred for impoundment of the animal;
 - (b) Any costs incurred for medical treatment, including vaccinations for the animal; and
 - (c) The licensing fee for the animal.
6. Payment of the adoption fee shall transfer all ownership of the animal to the person paying the fee.
7. Included as part of the adoption fee, the person adopting the animal shall receive a valid animal license.
8. Where an animal being put up for adoption has previously been designated a vicious animal, the Pound Keeper shall:
 - (a) Inform the new owner of the requirements of section 11 of this Bylaw, ensuring that the new owner understands they must still abide by these provisions; and
 - (b) Provide the new owner's name, address, and phone number to the City's Senior Community Peace Officer.

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**CITY OF COLD LAKE
BYLAW #535-PL-14
A BYLAW REGULATING
ANIMAL CARE AND CONTROL**

Schedule “C” – Off Leash Areas

No areas currently designated.

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**CITY OF COLD LAKE
BYLAW #535-PL-14
A BYLAW REGULATING
ANIMAL CARE AND CONTROL**

Schedule "D" – Prohibited Animals

1. All protected or endangered animals whose possession or sale is prohibited because they are designated as protected or endangered pursuant to international, federal, or provincial law, unless the animal has been obtained in accordance with international, federal, or provincial law.
2. All dogs, other than domesticated dogs (*Canis Familiaris*) including but not limited to: wolf, coyote, fox, hyena, dingo, jackal, raccoon dog, bush dog, and any hybrid offspring of a wild dog and a domesticated dog.
3. All cats, other than domesticated cats (*Felis Catus*) including but not limited to: lion, tiger, leopard, ocelot, jaguar, puma, panther, mountain lion, cheetah, wild cat, cougar, bobcat, lynx, serval, and any hybrid offspring of a wild cat and a domesticated cat.
4. All bears.
5. All fur bearing animals of the family Mustelidae including but not limited to: weasel, marten, mink, badger, ermine, skunk, otter, pole cat, wolverine, but not including the domestic ferret (*Putorius Furo*).
6. All Procyonidae including: raccoon, kinkajou, cacomistle, cat-bear, panda, and coatimundi.
7. All carnivorous mammals of the family Viverridae including but not limited to: civet, mongoose, and genet.
8. All bats.
9. All non-human primates.
10. All squirrels.
11. All rats, including the Norway rat.
12. Reptiles (Reptilia):
 - 12.1. All Helodermatidae (Gila monster and Mexican bearded lizard);
 - 12.2. All front-fanged venomous snakes, even if de-venomized, including, but not limited to:
 - 12.2.1. All Viperidae (viper, pit viper);
 - 12.2.2. All Elapidae (cobra, mamba, krait, coral snake);
 - 12.2.3. All Atractaspididae (African burrowing asp);
 - 12.2.4. All Hydrophiidae (sea snake); and
 - 12.2.5. All Laticaudidae (sea krait).
 - 12.2.6. All venomous, mid- or rear-fanged, Duvernoy-glanded members of the family Colubridae, even if de-venomized;
 - 12.3. (Any member or hybrid offspring of the family Boidae, including but, not limited to the common or green anaconda and yellow anaconda, save and except members of the family Boidae reaching an adult length of no greater than two (2) meters;

- 12.4. Any member of the family Pythonidae, including but, not limited to the African rock python, the Indian or Burmese python, the Amethystine or scrub python, save and except members of the family Pythonidae reaching an adult length of no greater than two (2) meters;
 - 12.5. Any member of the family Varanidae, including but, not limited to the white throated monitor, the water monitor, the Komodo monitor or dragon, the Bornean earless monitor, the Nile monitor, the crocodile monitor, save and except members of the family Varanidae reaching an adult length of no greater than one (1) meter;
 - 12.6. Any member of the family Iguanidae, including the green or common iguana;
 - 12.7. Any member of the family Teiidae, including but not limited to the golden, common or black and white tegu;
 - 12.8. members of the family Chelydridae, including snapping turtle and alligator snapping turtle;
 - 12.9. All members of the order Crocodylia, including, but not limited to alligator, caiman and crocodile;
 - 12.10. All other snakes that reach an adult length larger than three meters; and
 - 12.11. All other lizards that reach an adult length larger than two meters.
13. Birds (Aves)
- 13.1. All predatory or large birds (Accipitrids, Cathartids), including but not limited to eagle, hawk, falcon, owl, vulture and condor;
 - 13.2. Anseriformes including but not limited to ducks, geese and swans;
 - 13.3. Galliformes including but not limited to pheasants, grouse, guinea fowl and turkeys; and
 - 13.4. Struthioniformes including but not limited to flightless ratites such as ostriches, rheas, cassowaries, emus and kiwis;
 - 13.5. Paragraphs (a) to (d) inclusive in subsection do not apply if the birds are kept as livestock on land zoned as agricultural.
14. Arachnida and Chilopoda
- 14.1. All venomous spiders including, but not limited to tarantula, black widow and solifugid, scorpion, save and except the exception of the following species of tarantula: Chilean Rose (*Grammostola rosea*), Mexican Red-Knee (*Brachypelma smithi*), Pink-Toed (*Avicularia avicularia*); and
 - 14.2. All venomous arthropods including, but not limited to centipede.
15. All large rodents (Rodentia), including, but not limited to gopher, muskrat, paca, groundhog, marmot, beaver, prairie dog, viscacha, and porcupine.
16. All even-toed ungulates (Artiodactyla) other than domestic sheep, including but not limited to antelope, giraffe and hippopotamus.
17. All odd-toed ungulates (Perissodactyla) other than domesticated horses (*Equus caballus*), including but not limited to zebra, rhinoceros and tapir.
18. All marsupials, including but not limited to, Tasmanian devil, bandicoot, kangaroo, wallaby, opossum, wombat, koala bear, cuscus, numbat and pigmy, sugar and greater glider.
19. Sea mammals (Cetacea, Pinnipedia and Sirenia), including but not limited to, dolphin, whale, seal, sea lion and walrus.
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20. All elephants (Proboscidea).
21. All hyrax (Hyracoidea).
22. All pangolin (Pholidota).
23. All sloth and armadillo (Edentata).
24. All insectivorous mammals (Insectivora), including armadillo (Tubulidentata), anteater, shrew, otter shrew, mole and hedgehog.
25. Gliding lemur (Dermoptera).
26. All other venomous or poisonous animals

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**CITY OF COLD LAKE
BYLAW #535-PL-14
A BYLAW REGULATING
ANIMAL CARE AND CONTROL**

Schedule "E" – Fines*

Section	Description	Fine Amount
5.1	Unlicensed animal	\$100
5.5	Expired license	\$100
5.7	Fail to affix license to collar	\$100
5.15	Use license for another animal	\$100
5.16	Provide false information	\$200
6.1.1	Allow animal to run at large	\$100
6.1.3	Allow animal to pursue/bark at vehicle	\$100
6.1.4	Allow animal to pursue/bark at person	\$100
6.1.5	Allow animal to enter into prohibited area	\$100
6.1.6	Allow animal to enter floral area	\$100
6.1.7	Allow animal to enter cemetery	\$100
6.1.8	Allow animal to upset garbage container	\$100
6.1.9	Allow animal to cause damage to a person/animal/property	\$200
6.1.10	Allow animal to enter swimming area	\$100
6.1.11	Allow animal's noise to disturb the peace	\$100
6.1.12	Fail to secure animal in heat	\$100
6.1.13	Allow animal to enter City facility	\$100
6.2.1	Allow animal to defecate on public/private property	\$100
6.2.2	Allow accumulation of animal waste	\$200
6.4	Run dogs obstructing traffic	\$200
6.4.1	Ride on pathway/sidewalk with animal on leash	\$100
6.5	Keep livestock on non-agricultural land	\$200
6.7	Keep prohibited animal	\$500
6.9	Keep more animal than permitted	\$200
8.3	Use unapproved private trap	\$200
18.3	Use inhumane trap	\$500
9.1	Fail to provide basic care	\$500
9.5	Use inappropriate tether	\$100
9.7	Use choke chain or similar on unattended animal	\$200
9.8.1	Cause harm to animal	\$500
9.8.2	Intentionally kill animal	Court
9.8.3	Torment animal	\$500
9.8.4	Provoke animal	\$100
9.8.5	Set free an animal	\$100
9.8.6	Open animal enclosure	\$100
9.8.7	Leave animal in vehicle causing suffering	\$500
9.8.8	Leave animal unsecured in vehicle	\$100
9.9	Allow animal outside of passenger cab	\$100
9.12	Fail to have up to date rabies vaccination	\$200
10.1	Animal bite/attack person	\$500
10.2	Animal bite/attack another animal	\$250
10.4	Fail to abide by quarantine	\$200
10.9	Possess animal that is a danger to the public	Court
11.3	Fail to abide by conditions of owning a vicious animal	\$500
11.7	Allow Vicious Dog to chase, pursue, injure or bite person or domestic animal	\$1000
11.8	Allow Vicious Dog to run at large	\$500
13.1.1	Remove collar/license from animal	\$100
13.1.2	Break into/open Pound	\$300
13.1.3	Remove animal from Pound	\$300
13.1.4	Interfere with an Officer/Pound Keeper	\$300
13.1.5	Entice animal to run at large	\$100
13.1.6	Induce animal to avoid capture	\$100

13.1.7	Falsely represent oneself as owner	\$100
13.1.8	Interfere with Officer's/Pound Keeper's vehicle	\$200
13.1.9	Remove animal from vehicle	\$300
13.2	Obstruct Officer/Pound Keeper	\$500
15.6	Possess animal that is a public nuisance	Court

Second offence within a calendar year:

Double Fine

Amount

Third and subsequent offence within a calendar year:

Triple Fine

Amount

*Any applicable Provincial Act or Regulation fines set out Provincially, shall supersede the above fines.

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