

**BY-LAW NO. 904-22**

**A BY-LAW OF THE TOWN OF OYEN, in the Province of Alberta,**

**Regulating and confinement of certain Animals.**

Bylaw Number 904-22 of the Town of Oyen in the province of Alberta, being a bylaw to regulate, restrain the running at large, the licensing, and impounding of animals.

**WHEREAS**, the Municipal Government Act, R.S.A. 2000, c. M-26 as amended and the Provincial Offences Procedure Act, R.S.A. 2000, c. p-34 as amended, enables a Council of the Town to pass Bylaws respecting wild and domestic animals, and activities in relation to them;

**NOW THEREFORE**, the Municipal Council of the Town of Oyen, in the province of Alberta enacts a bylaw referred to as the "Responsible Pet Ownership Bylaw."

**DEFINITIONS:**

**"Animal"** means a vertebrate, other than a human being or fish;

**"Animal Breeding Business"** means any firm, Person or corporation which is in engaged in the operation of breeding and raising dogs for the purpose of selling, trading, bartering, giving away or otherwise transferring same;

**"Chief Administrative Officer"** for the Town of Oyen, or their designate.

**"Cat"** means either male or female of the feline family.

**"Dog"** means either male or female of the canine family.

**"Guide Dog"** means a guide dog as defined in the Blind Persons' Rights Act, R.S.A 2000 c.B-3.

**"Humane Society"** means any SPCA or other similar society or corporate entity that rescues, cares for and arranges fostering and adoption of animals, as determined by the Town;

**"Identification"** means a Tag issued by the Town for the animal.

**"Livestock" for the purpose of this Bylaw** includes:

- a) horses and/or cattle.

**"Municipal Ticket"** means a form prescribed by the Chief Administrative Officer of the Town or their designate, allowing payment to the Town Office of the penalty specified by this Bylaw for an offence, which shall be accepted by the Town in lieu of prosecution of the offence;

**"Owner"** means:

- a) A Person who has the care, charge, custody, possession, or control of a Dog or Cat;
- b) A Person who owns or claims a proprietary interest in a Dog or Cat;
- c) A Person who harbors, suffers, or permits a Dog or Cat to be present on any property of the Owner or under that Person's control;
- d) A Person who claims and receives a Dog or Cat from the custody of an animal shelter or a Peace Officer, or;
- e) A Person to whom a license has been issued under this bylaw.

**"Peace Officer"** means:

- a) A member of the Royal Canadian Mounted Police;
- b) A Bylaw Officer as appointed by the Town to enforce bylaws of the Town; or
- c) A Community Peace Officer as appointed by the Solicitor General of Alberta.

**"Person"** means an individual or any business or other entity including a firm, partnership, association, corporation, company or society;

**"Possession"** means:

- a) Exercising physical or effective control of a Dog or Cat; or

- b) Having been given physical or effective control of a Dog or Cat by its Owner for the purpose of controlling the Dog or Cat or for a specific period of time.

**"Private Property"** means all property within the Town other than property constituting Public Property.

**"Public Property"** means any place or property owned by or under the care, control and management of the Municipality or a Board of Education, including, but not limited to school grounds, roads, parks or recreational areas, and any open space to which the public reasonably has or is permitted to have access;

**"Running at Large"** means an Animal which is not under the control of the Owner by means of a leash and is upon property other than the property in respect of which the Owner has the right of occupation, or upon any highway, thoroughfare, street, road, trail, avenue, parkway, lane, alley, square, bridge, causeway, trestle way, sidewalk, (including boulevard portion of the sidewalk), park or other public place which has not been designated as an Off Leash area.

**"Service Dog"** means a dog trained as a guide for a disabled Person and having the qualifications prescribed by the Service Dogs Qualifications Regulation, AR 59/2017, as amended or replaced

**"Tag"** means a current metal or other Tag issued by the Town to an Owner for each Dog or Cat he owns, indicating the year for which the fee has been paid, and which bears a number corresponding to a number in the Town register.

**"Town"** means the Town of Oyen, in the Province of Alberta.

**"Violation Ticket"** means a ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34, as amended, and any regulations thereunder.

**"Vicious Dog"** means any dog, that has been declared to be a Dangerous Dog under this bylaw, or any Dog that has been the subject of an order pursuant to the Dangerous Dogs Act R.S.A. 2000 c. D-3.

## **LICENSING OF DOGS OR CATS**

- 1) A resident of the Town of Oyen who is the Owner of any Dog or Cat aged twelve (12) weeks or older shall obtain a License for the Dog or Cat from the office of the Town of Oyen as per The Rates and Fees Bylaw.
- 2) The Owner of every Dog or Cat shall, annually, on or before December 31st, renew the License for that Dog or Cat by submitting to the Town the annual licensing fee, as set out in The Rates and Fees Bylaw, along with any other information as may be required by the Town. A License shall be valid only for the year for which it was issued, regardless of actual date upon which the license was purchased.
- 3) No more than three (3) Dogs, or three (3) Cats, shall be harbored, suffered, or permitted to remain upon or in any land, house, shelter, room or place, building structure, or premises within the Town unless:
  - a) Any Dogs, or Cats in excess of the limit are to be under twelve (12) weeks of age and the offspring of a Licensed Dog or Cat residing at the same location.
- 4) Section 3 does not apply to premises lawfully used for a retail pet sales business, for the care, maintenance and treatment of Dogs, or Cats operated by and in charge of a licensed veterinarian, a licensed pet groomer, an approved Animal Breeding Business, or any premises that are temporarily used for the purpose of a lawful dog show.
- 5) A Person may apply for an Animal Breeding Business in order to keep more than the maximum allowable licensed Dogs, or Cats under this bylaw. An Animal Breeding Business may only be approved by the CAO only if:
  - a) The applicant is the Owner of the Property
  - b) A fee for a new Animal Breeding Business, as outlined in the Town's Business License Bylaw, accompanies an application for an Animal Breeding Business;

- c) After considering issues such as breed, proximity of neighbors, property size, and security of property, the Animal Breeding Business license may be issued at the discretion of the CAO in consultation with a Peace Officer, with or without conditions;
  - d) Any new Animal Breeding Business application must be advertised, and adjacent property owners notified prior to issuance;
  - e) In addition to the fee for an Animal Breeding Business application, the breeder of more than the maximum allowable licensed Dogs or Cats under this bylaw aged 12 weeks or older shall obtain an annual license for each Dog or Cat as required under this bylaw;
  - f) Should a Peace Officer deem the Animal Breeding Business a nuisance, the Animal Breeding Business license can be revoked by the Peace Officer at any time;
  - g) Individuals who have had their Animal Breeding Business license revoked may appeal to the Council of the Town of Oyen by providing a written appeal, to the Chief Administrative Officer, within fourteen (14) days of the license being revoked. After hearing the appeal Council's decision becomes final and no further appeal options will be considered.
- 6) Upon receipt of payment of the license fee for each Dog or Cat, a Tag indicating the year for which the fee has been paid and marked with a number corresponding to the number assigned to the Dog or Cat in the master register, shall be issued to the Owner.
  - 7) Every Owner shall provide his Dog or Cat with a collar to which the Owner shall affix the Tag for such Dog or Cat and the Owner shall ensure that the collar and Tag are worn during those occasions when the Dog or Cat is not on the Owner's premises.
  - 8) In case a Dog or Cat license Tag is lost or destroyed, a duplicate or replacement Tag will be issued by the Town upon payment by the Owner.
  - 9) Licenses and Tags are not transferable from one Dog or Cat to another and no refund shall be made on any paid up Dog or Cat license fees because of the death or sale of the Dog or Cat or upon the Owner's leaving the Town before expiration of the license period.
  - 10) Any Person that becomes the Owner of a Dog or Cat licensed under this Bylaw shall report the change of ownership to the licensing department of the Town and the Town shall transfer ownership of the license to that Person, with additional license fee to be paid by that Person to the Town for the year for which that license was purchased. The Owner of a Guide Dog or Service Dog is not required to pay a fee for a License under this Bylaw.

## **ANIMAL CONTROL PROVISIONS**

### **Running at Large**

- 11) The Owner of an Animal shall ensure that such Animal is not Running at Large;
- 12) The Owner of a Cat or Dog shall ensure that their Animal is not without a collar and Tag while off the premises of its Owner; and
- 13) The Owner of an Animal shall ensure that when their Animal is in heat it is confined and housed in the residence of the Owner or in a licensed kennel during the whole of the heat period except for the sole purpose of defecating on the premises of the Owner.

### **Interference by Others**

- 14) No person shall tease, torment, annoy, abuse or injure any Animal, and any person who does so is guilty of an offence.
- 15) No person shall untie, loosen or otherwise free an Animal, which is not in distress unless such person has the authorization of the Owner, and any person-acting contrary to this section is guilty of an offence.
- 16) No person shall interfere with, hinder or impede an Animal Control Officer in the performance of any duty authorized by this By-law, and any person who does so is guilty of an offence.

### **Off Leash Areas and Parks**

- 17) The Town of Oyen may designate areas where a Dog may be exercised while not restrained by a leash.
- 18) No Owner of a Vicious dog shall permit the dog to be in an Off-Leash area at any time.
- 19) The provisions of this Bylaw apply, with all necessary modifications, to an Off-leash area.
- 20) While in an Off-Leash area, a Person shall use the land in accordance with any sign or signs which have been posted setting out the days, times and manner in which a Person is permitted to use the Off-Leash area.

### **Removing Animal Feces**

- 21) If an Animal defecates on any Off-Leash area, Public or Private Property other than the Owner's property, the Owner shall remove the feces immediately.
- 22) An Owner of an Animal shall carry a suitable means of removing animal feces at all times while the Animal is in the custody of the Owner on property other than the Owner's property.
- 23) An Owner of an animal shall also ensure their property whether owned or rented is cleaned of all animal feces every week, by bagging and removing to ensure they are not interfering with the enjoyment of the neighbors use of their yards through potential odor and disease issues.

### **Threatening or Nuisance Behaviors**

- 24) Any Owner whether or not the Animal is then Running at Large, is guilty of an offence an Animal which:
  - a) Chases any Person, bicycle, motor vehicle or other Animal;
  - b) Attacks or bites any Person or Animal causing an injury;
  - c) Barks, howls or otherwise comports itself in such a fashion as in the opinion of a Peace Officer based on information gathered to cause an unreasonable disturbance given, but not limited to, location, circumstances, time of day, and duration; likely to disturb any Person;
  - d) Causes the death of another Animal;
  - e) Causes any damage whatsoever to any Public or Private Property;
  - f) Is at any time in any swimming pool, wading pool, or water park, playground apparatus and/or sand play intended for public use; or
  - g) Is at any time upon any property where the Animal is prohibited as indicated by a sign or other marking;

### **Livestock**

- 25) No Person shall keep Livestock in any residential area of the Town of Oyen.
- 26) Notwithstanding section 24 of this Bylaw, any Person who resides on any property designated as Urban Reserve or Industrial as set out in Schedule B is permitted to keep Livestock.

### **Animal Trapping**

- 27) No Person shall set an Animal trap outdoors:
  - a) If the temperature is below 0 degrees Celsius or forecast to be below 0 degrees Celsius in the next seventy-two (72) hour period;
  - b) In an area not shaded from the sun;
  - c) Unless the trap is checked hourly and closed by 11:00 p.m. each night and rendered inoperable until 6:00 a.m. the following day; or
  - d) Unless the Person is residing and present at the property where the Animal trap is located.
- 28) No Person shall taint the Animal trap bait with any poisonous chemical or substance.

- 29) The Town of Oyen will only be responsible for Town of Oyen traps. Peace Officers will not assume custody of any Animals trapped in any trap other than a trap owned by the Town of Oyen.

#### **RESPONSIBILITIES OF TOWN ADMINISTRATION**

- 30) The Town of Oyen shall arrange for the keeping and impounding of Animals.
- 31) A Peace Officer may seize and impound any Animal found At Large.
- 32) In the active pursuit of any Animal At Large, any Peace Officer empowered to apprehend Animals under this Part is hereby authorized to enter upon any lands surrounding any building at all reasonable times.

#### **Release of Impounded Animals**

- 33) All impounded Animals shall be kept for a period of no less than three (3) days, including the day of impounding. Sundays and Statutory holidays shall not be included in the computation of the three (3) day period. During this period any healthy Animal may be redeemed by its Owner, upon the completion of the following:
- a) Payment to the Town of Oyen for the appropriate license fee when a Dog or Cat is not licensed;
  - b) Provide Personal identification (Name, Address, Date of Birth and Dog or Cat Tag number) and proof thereof to the Peace Officer;
  - c) Owner's signed acknowledgement of the Animal being impounded and reason for being impounded;
  - d) Payment of impound fees as set out in the Rates and Fees Bylaw.
- 34) At the expiration of the three (3) day period any Animal not redeemed may be re-adopted, and/or transferred to a Human Society for re-adoption or to be destroyed if necessary.
- 35) The Peace Officer shall report any apparent illness, communicable disease, injury, or unhealthy condition of any Animal to a veterinarian and act upon his recommendation. The Owner, if known, shall be held responsible for all expenses so incurred.

#### **Vicious Dogs**

- 36) If a Peace Officer believes on reasonable and probable grounds that a Dog has:
- a) Chased, injured or bitten a Person or other Animal;
  - b) Damaged or destroyed any property;
  - c) Threatened or created the reasonable apprehension of a threat to a Person or other Animal; or
  - d) Been previously determined to be a Dangerous Dog under the *Dangerous Dogs Act R.S.A. 2000 c. D-3*;
  - e) The Peace Officer may seize and impound the Dog and declare the Dog to be a Vicious Dog.
- 37) If the Peace Officer has declared a Dog to be a Vicious Dog, the Peace Officer shall provide written notification of the declaration to the Dog's Owner.
- 38) A Person who receives a notice from a Peace Officer pursuant to section 34, may appeal the declaration by giving written notice of the appeal and the reasons therefore to Council within fourteen (14) days of receiving the declaration from the Peace Officer.
- 39) Council, upon hearing the appeal, may uphold the decision of the Peace Officer or allow the appeal.
- 40) Within fourteen (14) days of a Vicious Dog declaration being upheld by Council, pursuant to this Bylaw, the Owner shall:
- a) Arrange to have the dog tattooed or implanted with an electronic identification microchip by a licensed veterinarian and provide the Town with documentary proof of doing so immediately thereafter;

- b) If the Dog is in an unaltered state, have the Dog neutered or spayed by a licensed veterinarian and provide the Town with documentary proof of doing so thereafter.
- 41) The Owner of a Vicious Dog shall at all times ensure that the Vicious Dog does not:
    - a) Threaten or create the reasonable apprehension of a threat to a Person or other Animal;
    - b) Chase a Person or other Animal;
    - c) Bite a Person or other Animal;
    - d) Otherwise injure a Person or other Animal;
    - e) Damage or destroy any Property.
  - 42) When a Vicious Dog is on the Owner's Property, either:
    - a) The Vicious Dog shall be confined indoors, in a manner that shall not allow the Vicious Dog to escape the residence or other indoor structure; or
    - b) The Vicious Dog shall be confined outdoors in Controlled Confinement that shall not allow the Vicious Dog within one (1) metre of the property line or within five (5) metres of a neighboring residence and which shall provide the Vicious Dog with shelter from the elements.
  - 43) The Owner of a Vicious Dog shall at all times ensure that when the Vicious Dog is not on the Owner's Property the Vicious Dog is:
    - a) Muzzled;
    - b) Secured on a Leash not longer than one (1) metre, held by a Person at least eighteen (18) years of age, in a manner that prevents it from threatening, chasing, injuring or biting any Person or other Animal and from damaging or destroying any Property;
    - c) Is not Running at Large.
  - 44) The Owner of a Vicious Dog shall obtain annually a Vicious Dog License.
  - 45) The Owner of a Vicious Dog shall provide the Vicious Dog with a collar to which the Owner shall affix the Tag for such Vicious Dog and the Owner shall ensure that the collar and Tag are worn at all times when the Dog is outdoors.

**Exemption for Police Service Dogs**

- 46) This Bylaw does not apply to an RCMP Service Dog while it is in active service.

**OTHER ANIMALS**

- 47) Any resident wishing to own a pet other than a cat or dog in the Town of Oyen, must make application with Town Council by sending a letter to Council outlining your request and type of animal, and Council shall deal with these requests on a case by case request.

**OFFENCES**

- 48) An Owner or Person is guilty of an offence if they:
  - a) Contravene any of the provisions of this bylaw;
  - b) Fail to provide identification (Name, Address, Date of Birth and Dog or Cat Tag number) and proof thereof to a Peace Officer;
  - c) Provide false or misleading information to a Peace Officer;
  - d) Interfere with or attempts to obstruct a Peace Officer who was attempting to capture or who has captured any Animal in accordance with the provisions of this bylaw;
  - e) Unlock or unlatch or otherwise open the motor vehicle in which Animals captured for impoundment have been placed, so as to allow or attempt to allow any Animal to escape there from; or
  - f) Removes or attempts to remove any Animal from the Possession of the Peace Officer.

**PENALTIES**

- 49) Any Person who contravenes any provision of this bylaw is guilty of an offence and is liable on summary conviction to a fine as set out in Schedule "A" herein.
- 50) Any Person who commits a second or subsequent offence under this Bylaw within twelve (12) months of committing a first offence under this Bylaw, may be liable to an increased

fine as set out in Schedule "A".

- 51) A Peace Officer is hereby authorized and empowered to issue a Municipal Ticket to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw;
- 52) A Municipal Ticket may be issued to such Owner or Person either:
  - a) In Person;
  - b) Delivered to the residence of such Person and left with a member of the household over 16 years of age;
  - c) By mailing a copy to such Person at his last known post office address; or
  - d) Upon retrieval of such Person's Animal from the Peace Officer.
- 53) The Municipal Ticket shall be in a form approved by the Chief Administrative Officer and shall state:
  - a) The name of the Owner;
  - b) The offence;
  - c) The appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
  - d) Any other information as may be required by the Chief Administrative Officer.
- 54) Where a Municipal Ticket is issued pursuant to this bylaw, the Person to whom the Municipal Ticket is issued may, in lieu of being prosecuted for the offence, pay the Town the penalty specified on the Municipal Ticket within twenty-one (21) days of the issuance of the Violation Tag.
- 55) The Peace Officer may enforce the provisions of this bylaw, and where a Peace Officer has reasonable grounds to believe that a provision of this bylaw has been contravened, the Peace Officer is authorized and empowered to immediately issue a Violation Ticket, pursuant to Part 2 of the Provincial Procedures Act, R.S.A.2000, c.p-34, as amended, to any Person who the Peace Officer has reasonable grounds to believe is responsible for the contravention.
- 56) Should any Person be guilty of an offence for which no penalty is specified in Schedule "A" herein, then such Person shall be liable upon summary conviction to a fine of not less than five hundred dollars (\$500.00) and not more than ten thousand dollars (\$10,000.00).

#### **GENERAL**

- 57) Should any provision of this By-law be invalid, then such invalid provision may be severed and the remaining By-law shall be maintained.


#### **REPEAL**


- 58) That Animal Control Bylaw 753-03 is hereby repealed.

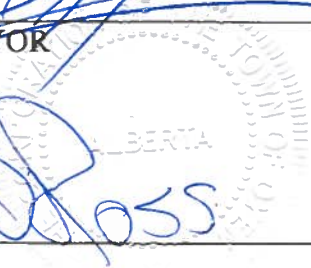
Read a first time in this 13 day of December, 2022.

Read a second time in this 13 day of December, 2022

Read a third time in and finally passed this 13 day of December, 2022

  
MAYOR

  
CAO



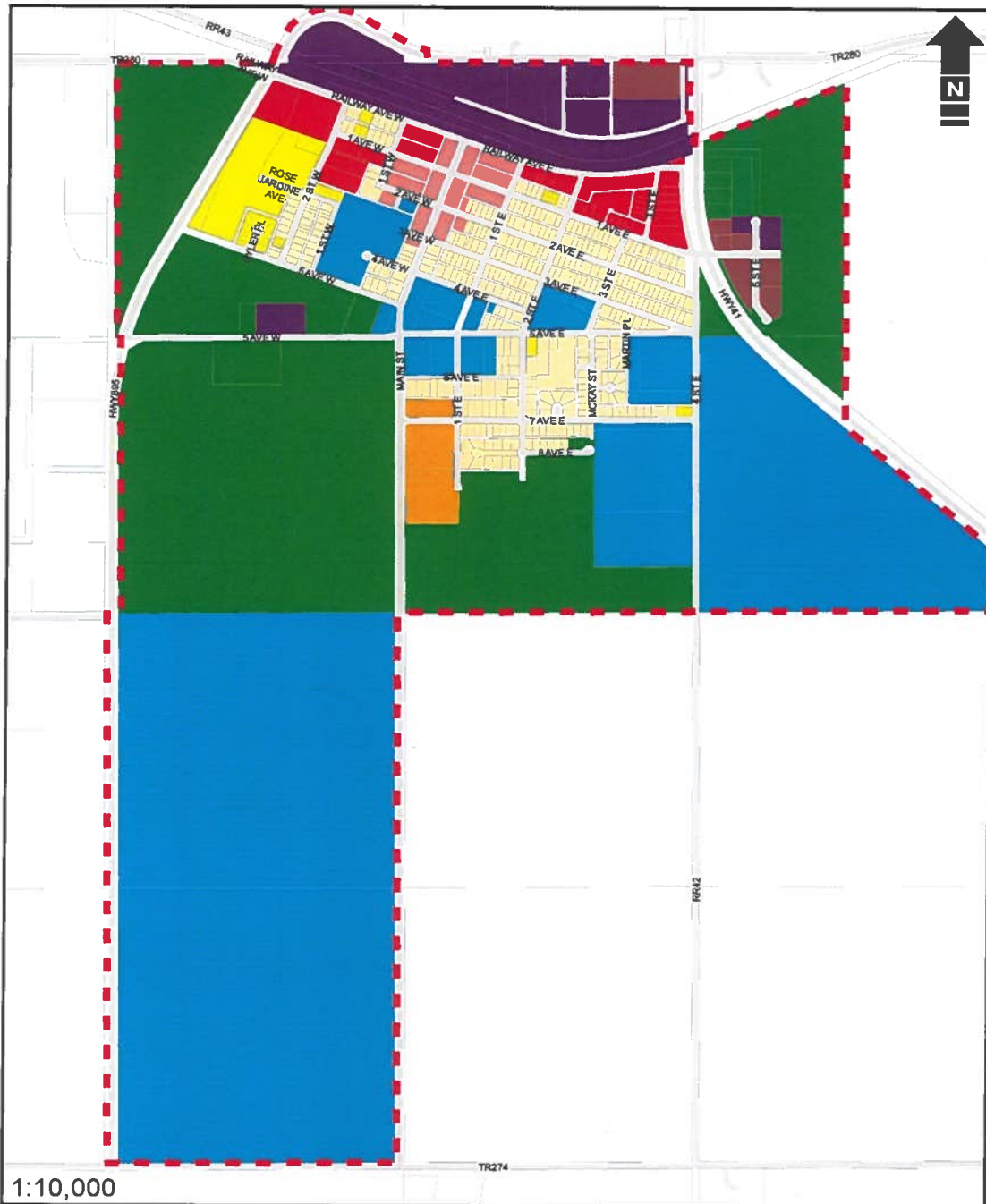
**SCHEDULE "A" PENALTIES**

<b>SECTION</b>	<b>INFRACTION</b>	<b>PENALTY</b>	<b>SECOND OFFENCE</b>
1	Fail to obtain a Dog or Cat License	\$115.00	\$230.00
2(a)	Set animal trap if below 0° C or forecast to be below 0° C over 72 hour period	\$115.00	\$230.00
3	Harboring, suffering, or permitting more than three Dogs, Cats, or Domesticated Household Pets at a residence.	\$115.00	\$230.00
6	Fail to ensure collar and tag worn on dog or Cat	\$57.00	\$115.00
13	Animal Running at Large	\$115.00	\$230.00
15	Fail to confine Animal in Heat	\$115.00	\$230.00
17	Vicious Dog in Off Leash Area	\$500.00	\$1000.00
20	Fail to immediately remove Animal defecation	\$115.00	\$230.00
22(a)	Animal chases any Person, bicycle, motor vehicle, or Animal	\$230.00	\$500.00
22(b)	Animal attacks or bites any Person or Animal causing injury	\$500.00	Court
22(c)	Animal barks or howls so as to disturb any Person	\$115.00	\$500.00
22(d)	Animal causes death of any Person or animal	Court	Court
22(e)	Animal causes damages to Public or Private Property	\$115.00	\$230.00
23	Keep Livestock in unauthorized area	\$115.00	\$230.00
25(b)	Set animal trap in un-shaded area	\$115.00	\$230.00
26	Taint animal trap bait	\$115.00	\$230.00
38(a)	Fail to have Vicious Dog tattooed or Micro chipped within 14 days	\$230.00	\$500.00
38(b)	Fail to have Vicious Dog spayed or neutered within 14 days	\$230.00	\$500.00
39(a-d)	Vicious Dog that threatens, chases, bites or injures a Person or other animal	Court	Court
39(e)	Vicious Dog that damages or destroys property	\$230.00	\$500.00
40(a)	Failure to keep Vicious Dog under proper indoor confinement	\$230.00	\$500.00
40(b)	Failure to keep Vicious dog in Controlled confinement	\$230.00	\$500.00
41(a,b)	Failure to keep Vicious Dog muzzled and properly secured on a leash	\$230.00	\$500.00
41(c)	Vicious Dog Running at Large	\$500.00	\$1000.00
42	Fail to obtain Vicious Dog License	\$500.00	\$1000.00
43	Fail to ensure collar and tag worn on Vicious Dog	\$230.00	\$500.00















45(b)	Fail to provide identification to a Peace Officer	\$115.00	\$230.00
45(c)	Provide false or misleading information to a Peace Officer	\$230.00	\$500.00
45(d)	Obstructing a Peace Officer	\$230.00	\$500.00
45(e)	Unlocking or unlatching a vehicle with an impounded Animal	\$500.00	\$1000.00
45(t)	Removing or attempting to remove an Animal from the possession of a Peace Officer	\$500.00	\$1000.00

# SCHEDULE "B"



1:10,000

### Legend

- |  |  |
|--|--|
|  Town Boundary      |  Industrial             |
|  Legal Parcels      |  Residential 1 District |
|  Central Commercial |  Residential 2 District |
|  Community Service  |  Manufactured Home      |
|  General Commercial |  Community Service      |
|  Highway Commercial |  Urban Reserve          |



## Land Use District Map

Bylaw # 891-22

