

BY-LAW NO.17-2015
OF THE TOWN OF VERMILION
IN THE PROVINCE OF ALBERTA

**BEING A BY-LAW OF THE TOWN OF VERMILION, IN THE PROVINCE
OF ALBERTA, TO REGULATE AND CONTROL ANIMALS WITHIN THE
CORPORATE LIMITS OF THE TOWN OF VERMILION.**

WHEREAS, the Municipal Government Act gives the Municipalities the power to enact Bylaws and impose fines and penalties for infractions of their Bylaws;

And whereas it is desirable to pass a Bylaw dealing with the licensing and regulation of Animals in the Town

NOW THEREFORE, the Municipal Council of the Town of Vermilion, Alberta, duly assembled, hereby enacts as follows:

PART 1: BYLAW REFERENCE

Section 101: Title

This Bylaw may be cited as the, “Vermilion Responsible Pet Ownership Bylaw”.

Section 102: Definitions

In this Bylaw, except where otherwise defined;

- 1.2.1. **“ANIMAL”** means any Animal other than a human being.
- 1.2.2. **“ANIMAL CONTROL OFFICER”** means a Peace Officer designated as an Animal Control Officer in Vermilion including RCMP, Sheriffs, Conservation Officers and/or Fish and Wildlife Officers; or designate as appointed by the CAO.
- 1.2.3. **“ANIMAL SOUND”** means any sound emitted from an Animal which is audible. Without limitation, this term shall include barking, whimpering, wining, howling, yelping, screeching et al.
- 1.2.4. **“AT LARGE”** means any Animal when off the real property of the Owner or not secured by a leash or lead or under the physical control of a responsible person over the age of eighteen (18). “At Large” includes Animals from surrounding boundaries with the county that may wander into Vermilion.
- 1.2.5. **“ATTACK”** means an assault resulting in bleeding, bone breakage, sprains, serious bruising, or multiple injuries either resulting in extensive or minimal medical or paramedic intervention.
- 1.2.6. **“BITE”** means wound to the skin causing it to bruise, puncture, or break.
- 1.2.7. **“CAO”** means the Chief Administrative Officer of the Town of Vermilion, Alberta, or designate appointed by the Chief Administrative Officer to implement this Bylaw.

- 1.2.8. **“CAT”** means a Domestic Animal of the Felidae family.
- 1.2.9. **“DOG”** means any domesticated dog of the Canidae family other than a Dangerous or Restricted Animal.
- 1.2.10. **“FERRET”** means a domesticated carnivore of the species *Mustela putorius furo*.
- 1.2.11. **“GUARD DOG”** means a dog used for security purposes on land legally used for industrial or commercial purposes.
- 1.2.12. **“JUNIOR LICENSE”** means a license issued for an Animal under the age of six (6) months.
- 1.2.13. **“KENNEL”** means any place owned by any person, group of persons, or corporation engaged in the commercial business of breeding, buying, selling, training, or boarding of Dogs, as regulated by the Town’s Land Use Bylaw.
- 1.2.14. **“LAND USE BYLAW”** means the most current version of the Town’s Land Use Bylaw.
- 1.2.15. **“LEASH”** means a chain or other material (no longer than 3m in length) capable of restraining the Animal on which it is being used.
- 1.2.16. **“LICENSE TAG”** means a license issued pursuant to this Bylaw.
- 1.2.17. **“LIVESTOCK”** means Cattle, Horses, Poultry, and similar Animals normally intended for agricultural purposes, and as listed in Schedule “C” of this Bylaw and as revised by Resolution of Council from time to time.
- 1.2.18. **“MICROCHIP”** means an object which may be permanently implanted in an Animal by injection or surgical procedure, which is programmed to store a unique and permanent identification number.
- 1.2.19. **“MUZZLE”** means a humane device designed to fit over the mouth of an Animal to prevent the Animal from biting. A muzzled Animal means an Animal wearing a muzzle in the manner anticipated by the manufacturer of the muzzle.
- 1.2.20. **“NUISANCE”** an Animal is deemed a nuisance if it: causes a disturbance by excessive barking or other noise making; chases vehicles or molests, attacks or interferes with persons or other domestic Animals on public property, as documented on more than 3 occasions in the past 3 calendar years, or has been the subject of 3 or more convictions under this Bylaw in the past 3 years.
- 1.2.21. **“OWNER”** means any natural person over the age of 18 or body corporate:
- a. who is the licensed Owner of the Animal;
 - b. who has legal title to the Animal;
 - c. who has possession or custody of the Animal, either **temporarily or permanently; or**

- d. who harbours the Animal, or allows the Animal to remain on his/her premises.

1.2.22. **“PHYSICAL CONTROL”** means:

- a. restrained by a leash or
- b. kept in:
 - i. a container;
 - ii. an enclosure;
 - iii. a motor vehicle; or
 - iv. the back of a parked open truck if restrained by a leash not allowing the dog to be removed from the open truck.

1.2.23. **“PERMITTED LEASH”** means a leash no longer than 3 metres adequate to control the Animal to which it is attached.

1.2.24. **“POUND”** means a designated place that the Town of Vermilion has established for the impounding and keeping of dogs, cats, and domestic Animals within the Town.

1.2.25. **“PRIVATE PROPERTY”** means all property within the boundaries of the Town other than property constituting Public Property.

1.2.26. **“PROHIBITED ANIMAL”** means those classes of Animals listed in Schedule “D”.

1.2.27. **“PUBLIC PROPERTY”** means property owned by or under the control and management of the Government of Canada, the Government of Alberta, or the Town, contained within the boundaries of the Town.

1.2.28. **“VETERINARIAN”** means a Registered Veterinarian as defined in the Veterinary Profession Act, R.S.A. 2000, c. V-2, as amended or repealed and replaced from time to time.

1.2.29. **“RESTRICTED ANIMAL”** means any Dog or other Animal, whatever its age or breed; that in the opinion of a Justice, or the Animal Control Officer or designate is:

- a. shows a propensity, disposition, or potential to attack or injure without provocation, other Animals or humans;
- b. without provocation, chases in a threatening matter any person or Animal that approaches it;
- c. is a continuing threat of serious harm to other Animals or humans; or
- d. Any dog that has been the subject of an order or direction of a Justice pursuant to the *Dangerous Dogs Act*, R.S.A. 2000, c. D-3, as amended or repealed and replaced from time to time.

- 1.2.30. "**SECURE ENCLOSURE**" means a building, cage, fenced area, or other enclosure for the retaining of a Domestic Animal and which prohibits the Animal from jumping, climbing, digging, flying, or using any other means to exit the enclosure and which is capable of prohibiting the entry of young children into the enclosure.
- 1.2.31. "**SERVICE ANIMAL**" means any Animal identified under the Service Dogs Act, Statutes of Alberta 2007 Chapter S-7.5 January 01/2009, Alberta Service Dogs Qualifications Regulation 197/2008 with amendments up to an including Alberta Regulation 1/2010; Blind Persons' Rights Amendment Act RSA 2000, c.7 (supp); Blind Persons' Rights Act, R.S.A 2000 C.B-3 or the Canadian Registry of Therapy Animals and Service Animals (CRTASA) including service Animals in training and excluding exotic, wild or Restricted Animals.
- 1.2.32. "**TOWN**" shall mean the Town of Vermilion in the Province of Alberta.
- 1.2.33. "**TRAP**" means the use of devices or cage traps so as to limit the harm or distress of an Animal.
- 1.2.34. "**VIOLATION TAG**" means a tag or similar document issued by the Town pursuant to the provisions of the Municipal Government Act, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time.

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

Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other Bylaw or any requirement of any awful permit, order or license.

Any heading, sub-headings or tables of contents in this Bylaw are included for guidance purposes and convenience only and shall not form part of this Bylaw

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.

All the schedules attached to this Bylaw shall form a part of this Bylaw.

PART 2: LICENSING REQUIREMENTS

Section 201: Dog, Cat or Other Animal Licensing

- 2.1.1. The Owner of a Dog or Cat or other Animal over six (6) months of age shall obtain a license for that Animal from the Town and pay the applicable license fee as set out in **Schedule "A"** to this Bylaw.
- 2.1.2. The Owner of a Dog or Cat or other Animal under six (6) months of age will obtain a Junior License as set out in **Schedule "A"** to this Bylaw.
- 2.1.3. Where the Owner of a Dog or Cat or other Animal over the age of six (6) months of age becomes the Owner of that Dog or Cat or becomes a resident within the Town between July 1st and December 31st in any year, the license fee required pursuant to subsection 3 (1) shall be Fifty (50%) percent of the annual fee established in **Schedule "A"**.

- 2.1.4. No person shall own or keep any dog, cat or other Animal within Vermilion unless such Animal is licensed as provided by this Bylaw.
- 2.1.5. The holder of an Animal license must be eighteen (18) years of age.
- 2.1.6. The Owner of an Animal shall ensure that the Animal wears the current license purchased for that pet when the Animal is off the property of the Owner.
- a. an Owner whose Dog or Cat or other Animal is not wearing a License Tag while off the Owner's property shall be guilty of an offence and liable to a fine as provided in **Schedule "B"** of this Bylaw.
- 2.1.7. The Owner of a dog, cat or other animal shall obtain a Junior license or lifetime license for such Animal at such times and in the manner as prescribed in Sections 201 2.1.1 – 2.1.5.
- 2.1.8. The Owner of a an Animal shall:
- a. obtain a license for such Animal on the first day on which the Vermilion Town Office is open for business after a person becomes the owner of a dog;
 - b. obtain a license on the first day on which Vermilion Town office is open for business after he becomes Owner of the Animal;
 - c. obtain an annual license for the Animal on the day specified by the Responsible Pet Ownership Bylaw or Vermilion Animal Control Officer each year.
- 2.1.9. Notwithstanding Section 201, the Owner of a Dog or Cat under the age of six (6) months old may obtain a Junior Licence for that Dog or Cat from and pay the fees as set out in Schedule "A" to the Town providing such information as may be required.
- 2.1.10. No person shall give false information when applying for a license pursuant to this Bylaw.
- 2.1.11. An Owner shall forthwith notify the Animal Control Officer of any change with respect to any information provided in an application for a license under this Bylaw.

Section 202: Restricted Animal Licensing

- 2.2.1. No person shall own or keep any Restricted Animal within Vermilion unless such Animal is licensed as provided by this Bylaw.
- 2.2.2. Prior to a license being issued, the Owner of a Restricted Animal shall within ten (10) days after the Animal has been declared Restricted:
- a. Have a licensed veterinarian implant an electronic identification microchip in the Animal at the Owner's cost;
 - b. Provide the information contained in the microchip to the Animal Control Officer for inclusion on the licensing file; and
 - c. If the Animal is in an unaltered state, have the Animal neutered or spayed at the Owner's cost.

- 2.2.3. The Owner of a Restricted Animal shall obtain an annual license for such Animal at such times and in the manner as prescribed in this Bylaw and shall pay an annual fee as set out in Schedule B of this Bylaw.
- 2.2.4. The Owner of a Restricted Animal shall ensure that the Animal wears the current license purchased for that Animal when the Animal is off the property of the Owner.
- 2.2.5. In the opinion of an Animal Control Officer, where a dog cannot be captured and where the safety of persons or Animals are endangered, the Animal Control Officer or other trained person appointed by the Pound Keeper, may euthanize the Animal and no damages or compensation shall be recovered by the Owner of the dog for said destruction.
- 2.2.6. No Person shall be entitled to a rebate as a result of the sale, death, or removal of a registered Animal from the physical jurisdiction of the Town, of the license fee paid in respect to that Animal.

Section 203: Licenses for Owners with Physical Disabilities

- 2.3.1. Notwithstanding Sections 201-202, when the Animal Control Peace Officer is satisfied that a person who is handicapped, or requires a hearing dog, a guide dog, or a dog trained for special skills, there shall be no fee payable by the Owner for a license under the Sections 201-202. A license tag will be issued.

Section 204: Exemptions to Licensing

- 2.4.1. The following persons do not require a license under this Part:
 - a. holders of a valid Development Permit, issued pursuant to the Land Use Bylaw, authorizing the operation of a Kennel, Animal Hospital, or Pound, which have Dogs or Cats boarded that are owned by Persons other than the operator, or have Dogs or Cats which are intended for sale;
 - b. persons temporarily visiting the Town for a period not exceeding fourteen (14) days;
 - c. not-for-profit associations or not-for-profit corporations engaged in the provision of temporary shelters for abandoned or rescued Domestic Animals or an authorized Pound in accordance with this Bylaw; or
 - d. not-for-profit associations, not-for-profit corporations or government organizations providing specialized Dog services, including but not limited to assistant and guide Dogs, police Dogs and search and rescue Dogs.

PART 3: OWNERSHIP OF DOGS AND CATS

Section 301: Number of Dogs and Cats

- 3.1.1. No more than three (3) Dogs and three (3) Cats shall be harboured or permitted to remain upon or in any land, house, shelter, room or place, building structure, or premises within the boundaries of the Town unless:

- a. the premises are lawfully used for the care and treatment of Domestic Animals operated by or under the charge of a Registered Veterinarian;
- b. the Owner is the holder of a valid and subsisting Development Permit to operate a Kennel, Animal Hospital, Pound, or other Domestic Animal operation as authorized by the Land Use Bylaw;
- c. the Dogs or Cats in excess of the limit are under six (6) months of age, and the offspring of a licensed Dog or Cat residing at the same location;
- d. the Owner is a not-for-profit association, not-for-profit corporation, or government organization engaged in the provision of specialized Dog services, including but not limited to Guide Dogs, Police Dogs, and Search and Rescue Dogs; or
- e. the Owner is a not-for-profit association or not-for-profit corporation engaged in the providing of temporary shelter for abandoned or rescued Domestic Animals or an authorized Pound in accordance with this Bylaw.

3.1.2. Any Person who keeps, harbours, or permits an excess number of Dogs or Cats shall be guilty of an offence and liable, upon summary conviction, to a fine as provided in Schedule "B" of this Bylaw.

Section 302: Kennels

3.2.1. Subject to a development permit pursuant to the Land Use Bylaw, no Kennel shall be permitted on residential property within the Town.

Section 303: Animals at Large

3.3.1. It shall be the responsibility of all Owners of dogs, cats, or domestic Animals to ensure that their Animal is not to run at large.

Section 304: Cats at Large

3.4.1. A Owner is responsible for a Cat that:

- a. is in eustrus and is not 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;
- b. defecates on any Public or Private Property other than the property of its Owner;
- c. is within a site containing playground apparatus and/or sand play area located on Public or Private Property other than the property of its Owner; or
- d. damages Public or Private Property.

Section 305: General

3.5.1. It shall be the responsibility of all Owners of dogs, cats, or domestic Animals to remove their Animal's defecation immediately when placed on any public or private property, unless it is the Owner's property. Defecation on the Animal Owner's property is still subject to provisions outlined in the Town's Community Standards Bylaw.

- 3.5.2. The Owner or any other person having care or control of a Dog, Nuisance Dog, or Restricted Dog shall ensure it does not bark in a manner that is reasonably likely to annoy or disturb the peace of others.
- 3.5.3. In determining whether barking is reasonably likely to annoy or disturb the peace of others consideration may be given, but is not limited, to the:
- a. proximity of the property where the Dog, Nuisance Dog, or Restricted Dog resides;
 - b. duration of the barking;
 - c. time of day and day of the week;
 - d. nature and use of the surrounding area; and
 - e. any effect of the barking.
- 3.5.4. It shall be the responsibility of all Owners of dogs, cats, or domestic Animals to ensure that their Animal is not allowed to howl, bark excessively, or make animal sounds in any other manner to disturb the quiet of any person(s). Any person(s) so aggrieved may provide a witness statement and swear out a statement charging the Owner with a breach of this Bylaw.
- 3.5.5. Whether any sound annoys or disturbs a person, or otherwise constitutes objectionable noise, is a question of fact to be determined by the Animal control Officer or a court hearing, a prosecution pursuant to this section of the Bylaw.
- 3.5.6. Any person who, without the knowledge or consent of the Owner, unties, loosens, or otherwise frees an Animal that was tied or otherwise restrained, or who opens a gate, door, or other opening in a fence or Secure Enclosure in which an Animal has been confined and thereby allows the an Animal to Run at Large, is guilty of an offence and liable, upon summary conviction, to a fine as provided in Schedule "B" of this Bylaw.
- 3.5.7. The Owner of an Animal shall ensure that such Animal shall not upset any waste receptacles or scatter the contents thereof either in or about a street, lane, or other public property or in or about premises not belonging to or in the possession of the Owner of the Animal.
- 3.5.8. The Owner of an Animal shall not enter into public buildings with an Animal unless said Animal is a guide dog, assistance dog or helping dog as defined in this Bylaw.

Section 306: Attacks

- 3.6.1. The Owner or any other person having care or control of a Dog or Nuisance Dog shall ensure it 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.
- 3.6.2. This section does not apply if the chase, attack, bite or damage is a direct result of the Dog being provoked.

Section 307: Animals in Distress

- 3.7.1. No person shall in any way permit an Animal to be in distress by:
- a. causing any unnecessary physical pain to the Animal;

- b. neglecting to provide food, potable water, care, or shelter as is necessary to maintain the good health of the Animal;
- c. neglecting to provide the necessary treatment of an Animal suffering from disease or injury; or
- d. harassing or tormenting such Animal.

3.7.2. If an Animal is in distress, or requires treatment from disease or injury, a licensed veterinarian shall be the authority.

3.7.3. If an Animal is in distress and,

- a. the Owner does not forthwith take steps that will relieve its distress; or
- b. the Owner cannot be found immediately and informed of the Animal's distress,

The Animal Control Officer, RCMP member, Fish and Wildlife Officer may take any action he considers necessary to locate the Animal and relieve its distress including taking the Animal into custody, pursuant to the Animal Protection Act.

Section 308: Control of Restricted Dogs and Guard Dogs

3.8.1. An Owner of a Restricted Dog shall secure and maintain any dog deemed Dangerous or identified in Dangerous Dog Act of Alberta Revised Statutes of Alberta 2000 Chapter D-3 Current as of January 1, 2002 and shall:

- a. maintain in force a policy of liability insurance in a form satisfactory to the Town CAO providing third party liability coverage in a minimum amount of \$1,000,000 for injuries caused by the Owner's dog, and
 - i. the liability policy shall contain a provision requiring the insurer to immediately notify the Town in writing should the policy expire or be cancelled or terminated; and
 - ii. upon cancellation, expiry or termination of the liability policy, the dog license is null and void.

3.8.2. At all times while a Restricted Dog is on the premises of its Owner, the Owner shall:

- a. keep such dog confined indoors under the effective control of a person over the age of eighteen (18) years or confined in a Secure Enclosure or other structure constructed to prevent the escape of the dog and capable of preventing the entry of young children;
- b. such structure shall have secure sides and a secure top and if it has no bottom secured to the sides, the sides must be embedded in the ground to a minimum depth of thirty (30) cm with proper shade and shelter provision for the dog's proper comfort;
- c. when any such dog is off the premises of the Owner, the Owner shall securely muzzle such dog and either harness it or leash it securely to effectively prevent it from attacking or biting a person or another Animal;
- d. the Owner of a Restricted Dog shall take all necessary steps to ensure that such dog does not bite, chase, or attack any person or other Animal, whether the person or Animal is on the property of the Owner or not;

- e. the Owner of a Guard Dog must either keep such dog confined indoors or confined in a securely enclosed fenced area, constructed to prevent the escape of the dog and capable of preventing the entry of young children. The fence shall have a minimum height of six (6) feet. The Owner shall post signs on the perimeter of the fence, warning of the presence of Guard Dogs;
- f. Guard Dogs will only be permitted in commercial or industrial districts;
- g. Restricted and Guard Dogs will NOT be permitted in off leash areas;
- h. Owners will promptly notify the Animal Control Officer of any sale, gift, transfer or death of a Restricted Animal;
- i. promptly report to the Animal Control Officer any Animal that bites a person and or is suspected of communicable diseases, which may result in the quarantine of said Animal at the direction of the Animal Control Officer. Any such quarantined Animal shall not be released or destroyed except by written permission of a veterinarian. At the discretion of the Animal Control Officer such quarantine may be on the premises of the Owner or the Pound Keeper in accordance with the Provincial acts as defined by Section 402(1) of this Bylaw; and
- j. upon demand made by the Animal Control Officer surrender any Animal which has bitten a human or that is suspected of having been exposed to rabies or other communicable diseases for supervised quarantine. The expense of any such quarantine shall be the responsibility of the Owner. The Animal may be reclaimed by the Owner if determined by a veterinarian to be free of disease upon payment of confinement expenses and compliance with the licensing provisions of this Bylaw.

- 3.8.3. If the Animal Control Officer, Peace Officer, or Member of the Royal Canadian Mounted Police or Fish and Wild Life Officer determines that a dog is a Restricted Dog, either through personal observation, or after an investigation initiated by a complaint, he may in writing:
- a. inform the Owner that the dog has been determined to be a Restricted Dog;
 - b. require the Owner to keep such do in accordance with the provisions of Section 403 of this Bylaw; and
 - c. inform the Owner that if the Restricted Dog is not kept in accordance with the provisions of this Bylaw the Owner will be fined or subject to enforcement action pursuant to the offences and penalties section of this Bylaw, or the applicable Provincial and/or Federal Statutes.
- 3.8.4. If the Animal Control Officer, Peace Officer or Member of the Royal Canadian Mounted Police or Fish and Wild Life Officer further believes that in addition to the remedies set forth in this Bylaw a Restricted Animal or Guard Dog is not being kept in accordance with this Bylaw, he may make application for an order directing that such Animal be kept in a proper way by the Owner or that the Animal be destroyed.

Section 309: Dogs Permitted on Pathways

- 3.9.1. The Owner of a dog may allow such dog to pass along a pathway or cross a pathway, including a pathway that runs through an area designated as an off-leash area, only if such dog:
- a. is secured by a leash of no greater length than three (3) metres;
 - b. remains on the right hand side of the pathway at all times unless moving around other pathway users; and

- c. remains under the Owner's control at all times ensuring that the dog does not interfere with or obstruct any other pathway user.

3.9.2. Every Owner of a dog shall ensure that such dog does not sit or stand on a pathway or otherwise obstruct or interfere with users of the pathway.

Section 310: Dogs Permitted in Off Leash Areas

3.10.1. The Owner of a dog in an "Off Leash Area" shall ensure that such dog is under control at all times.

3.10.2. The Animal Control 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.

3.10.3. No Owner of a Restricted Dog may have that dog in an Off Leash Area.

3.10.4. No person shall allow an Animal other than a dog to enter into or remain in an area that has been designated by the Director of Community Services/Parks as an "Off Leash Area".

3.10.5. For the purposes of this Bylaw, the Off Leash Areas in Vermilion are designated according to Schedule "E".

PART 4: AUTHORITY OF ANIMAL CONTROL OFFICERS AND GENERAL ENFORCEMENT

Section 401: Enforcement

4.1.1. An appointed Animal Control Officer is hereby authorized to enforce the provisions of this Bylaw.

4.1.2. An Animal Control Officer is authorized to capture and impound all Dogs, Cats, other Domestic Animals or Livestock found At Large and to impound and deliver any Dog, Cat, other Domestic Animal or Livestock which he finds wounded, distressed, abandoned, or diseased to a Veterinarian and once treated to a Pound.

4.1.3. Any person who interferes with, hinders, delays, obstructs, prohibits, or otherwise impedes any Animal Control Officer or other municipal official or employee, in the performance of that Officer, official or employee's duties under this Bylaw is guilty of an offence and liable, upon summary conviction, to a fine as provided in Schedule "B" of this Bylaw.

4.1.4. The Animal Control Officer is authorized to enter upon any Private or Public Property in pursuit of a Dog, Cat, other Domestic Animal or Livestock running At Large and take such reasonable measures as are necessary to subdue and capture any Dog, Cat, Domestic Animal or Livestock, including the use of cage traps and tranquillizer equipment.

4.1.5. The authority of an Animal Control Officer under subsection (1) shall not extend to entering into any structure in use as a private residence, unless the Animal Control Officer has first received the consent of the Owner or occupant to enter the structure.

- 4.1.6. An Animal Control Officer is hereby authorized and empowered to issue a Violation Tag to any person whom the Animal Control Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 4.1.7. A Violation Tag may be issued to such person either:
- a. personally;
 - b. posted upon the door of the Owner or the person accused;
 - c. by registered mail of a copy to such Owner or person at his or her last-known post office address; or
 - d. left with a competent person who resides with the Owner or the person alleged to have committed such offence.
- 4.1.8. A Violation Tag issued pursuant to this Bylaw shall be in a form approved by the Town and shall state:
- a. the name of the Owner or person accused;
 - b. the offence;
 - c. the appropriate penalty for the offence as specified in Schedule "B" of this Bylaw;
 - d. the time period in which the specified penalty must be paid in order to avoid prosecution for the alleged offence; and
 - e. any other information as may be required by the Town.
- 4.1.9. Where a Violation Tag has been issued pursuant to this Bylaw, the person to whom the Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the Violation Tag.
- 4.1.10. In those cases where a Violation Tag has been issued, and if the penalty is not paid within the prescribed time period, an Animal Control Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, as amended or repealed and replaced from time to time, to any person whom the Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 4.1.11. Notwithstanding Section 4.1.10 of or anything in this Bylaw, an Animal Control Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, as amended or repealed and replaced from time to time, to any person whom the Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 4.1.12. Where a Violation Ticket has been issued to a person pursuant to this Bylaw, that person may plead guilty to the offence by submitting to a Clerk of the Provincial Court, the specified penalty set out on the Violation Ticket at any time prior to the appearance date indicated on the Violation Ticket.
- 4.1.13. Except as otherwise provided in this Bylaw, a person who is guilty of an offence under this Bylaw for which a penalty is not otherwise provided, is liable, upon summary conviction, to a fine of not more than Five Hundred (\$500.00) Dollars.

- 4.1.14. Where an Animal Control Officer or other designated officer of the Town has issued an Order pursuant to section 545 of the Municipal Government Act, RSA 2000 c.M-26, as amended, repealed and replaced from time to time, for the purpose of enforcing any provision of this Bylaw, any person to whom the Order has been issued, who fails to comply with the terms and conditions of that Order within the time frame provided, shall be guilty of an offence and shall be liable, upon summary conviction, to a penalty as set out at Schedule “B” of this Bylaw.

Section 402: Animal Traps

- 4.2.1. A person who takes control of a stray dog or cat either by a privately owned trap or through the request of an approved trap delivered by the Animal Control Officer shall sign a release form and care for the Animal in a humane manner while in the trap.
- 4.2.2. Persons not supplying the basic necessities of shelter, comfort, food and water for the Animal in the trap will be charged under the appropriate provincial statutes.
- 4.2.3. Persons who catch an Animal in a trap will notify the Animal Control Officer as soon as possible. The Animal will be transported to the pound by the Peace Officer or the person who trapped the Animal. At all times, the basic necessities of comfort, food, water and shelter will be supplied by the person in control of the trap.

Section 403: General

- 4.3.1. No action shall be taken against any person acting under the authority of this Bylaw for damages for destruction or other disposal of any Domestic Animal or Livestock.
- 4.3.2. Each section of this Bylaw shall be read and construed as being separate and severable from each other section. Furthermore, should any section or part of this Bylaw be found to have been improperly enacted, for any reason, then such section or part shall be regarded as being severable from the rest of this Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.
- 4.3.3. The Animal Control Officer may retain an Animal for a longer period if in his opinion the circumstances warrant the expense or he has reasonable grounds to believe that the Animal is a danger to persons, Animals, or property.

PART 5: OWNERSHIP OF OTHER ANIMALS

Section 501: Ownership of Other Animals

- 5.1.1. The keeping of Livestock or Prohibited Animals in the Town is strictly prohibited except in accordance with the provisions of the Town’s Land Use Bylaw or as herein provided. See Schedule “C” for a description of Livestock, and Schedule “D” for Prohibited Animals.
- 5.1.2. Subsections 5.1.1 shall not apply to any premises within the Town where the keeping of such Animals has been the subject to authority issued under the Town’s Land Use Bylaw.

- 5.1.3. This section as it applies to Livestock shall not apply to the land owned and operated by Lakeland College zoned as Institutional in the Town of Vermilion Land Use Bylaw for the purpose of operations of the Lakeland College farm.
- 5.1.4. An Owner may keep Livestock within the boundaries of the Town so long as it is in compliance with the Town's Land Use Bylaw.
- 5.1.5. An Animal Control Officer may impound any Domestic Animal or Livestock found within the Town running At Large or otherwise in contravention of this Bylaw.

Section 502: Ownership of Pigeons

- 5.2.1. Except as otherwise provided in this Bylaw, no person shall keep pigeons without first having been granted a Pigeon License by the Town.
- 5.2.2. Subsection (1) shall not apply where the number of pigeons kept on the premises does not exceed four (4) in number.
- 5.2.3. No person shall keep more than seventy-five (75) pigeons at any single premise within the Town.
- 5.2.4. The Owner of pigeons numbering in excess of four (4) shall apply for a Pigeon License prior to acquiring the pigeons, or within fifteen (15) days of the coming into force of this Bylaw, or of moving into the jurisdiction of the Town, if those pigeons are already in that person's possession, and shall thereafter, annually renew the pigeon license on or before January 31st by submitting the appropriate license or renewal fee and such information as may be required by the Animal Control Officer from time to time.
- 5.2.5. Any person who fails to hold or renew a pigeon license shall be guilty of an offense and liable upon summary conviction, to a fine as set out in Schedule "B" of this Bylaw.
- 5.2.6. No person shall be entitled to a rebate on any paid license issued as a result of sale or death of the pigeons, or the Owner leaving the Town prior to the expiration of the license year.
- 5.2.7. Any person keeping pigeons in excess of four (4) pursuant to this Bylaw, shall keep those pigeons in a locked Secure Enclosure which shall be kept in a clean and sanitary condition and is dry, airy, and bright inside with proper ventilation having regard to the number of pigeons and the Secure Enclosure shall not be placed closer than twelve (12) metres from any dwelling on the property, nor closer than twelve (12) metres from any adjacent property.
- 5.2.8. A Secure Enclosure shall be kept in a reasonable state of repair, cleaned regularly of all excrement and refuse, and disinfected a minimum of twice annually, all to the satisfaction of an Animal Control Officer.
- 5.2.9. A Pigeon License shall be posted on the Secure Enclosure in a visible manner for inspection and license verification.
- 5.2.10. No Owner shall permit his pigeons to be outside the Secure Enclosure, except:
 - a. for the purpose of supervised exercise or for the purpose of returning to Secure Enclosure from a supervised race or training flight, which

shall not exceed three hours within a twenty-four (24) hour period;
or

- b. in a flock of any more than twenty (20) pigeons at one time.

Section 503: Ownership of Rabbits

5.3.1. No person shall keep more than four (4) rabbits on the Premises within the Town.

5.3.2. The Owner of rabbits shall keep those rabbits in a locked, Secure Enclosure which shall be kept in a clean and sanitary condition and which shall be situated no closer than five (5) metres from any dwelling on the property, nor any closer than five (5) metres from any adjacent dwelling.

PART 6: OTHER RESPONSIBILITIES

Section 601: Other Responsibilities

6.1.1. No person shall:

- a. tease, torment, or annoy any dog, cat, domestic Animal or livestock:
 - i. open gates or fences or any other enclosure allowing Animals to Run At Large or
 - ii. tease Animals in enclosures, kennels, fences or throw objects or poke around the enclosure.
- b. lead, ride, or drive livestock on any sidewalk, boulevard, street, or pathway in the Town. CAO may issue special permission for requests made regarding parades or other special events.
- c. Subsection (b) shall not apply to ceremonial events involving the RCMP Musical Ride, Military Horse Mounted Performances, Circuses, other special performances designed to entertain the public; Lakeland College recreational or class usage for accessing the Vermilion Provincial Park.

6.1.2. Yards are to be kept cleaned/deodorized at all times including Animal pens, kennels, confinements, and secure enclosures.

They will be:

- a. kept at all times free from manure and other refuse and shall be properly cleaned or dug up; and
- b. deodorized by means of chloride or lime or other suitable deodorant permitted by the laws of the Province of Alberta and the regulations made there under.

6.1.3. No person shall use or direct an Animal to attack, chase, harass or threaten a person or Animal;

6.1.4. Peace Officers, Royal Canadian Mounted Police, Fish and Wildlife officers are exempt from this section during the course of their duties in the pursuit or apprehension, or investigation of an offense whereby a police service dog is deployed.

Section 602: Motor Vehicle Operator Responsibilities for Transporting Animals

- 6.2.1. A person may allow an Animal to be outside the passenger cab of a motor vehicle including riding in the back of a pickup truck or flat bed truck if the Animal is:
- a. in a fully enclosed trailer;
 - b. in a topper enclosing the bed area of a truck and properly secured by an approved canine vehicle restraint in such a manner that it is not standing on bare metal and not in danger of strangulation;
 - c. contained in a ventilated kennel or similar device securely fastened to the bed of the truck; or
 - d. securely tethered in such a manner that it is not standing on bare metal, cannot jump or be thrown from the vehicle, is not in danger of strangulation, and cannot reach beyond the outside edges of the vehicle.
- 6.2.2. For the purposes of this section, roadway means any street or highway, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles.
- 6.2.3. The Owner of an Animal left unattended in a motor vehicle shall ensure:
- a. The Animal is restrained in a manner that prevents contact between the Animal and any member of the public;
 - b. The Animal has suitable ventilation; and
 - c. The Animal is not left in a vehicle if the weather conditions are not suitable.
- 6.2.4. Owners leaving an Animal in distress will be subject to fines and penalties scheduled within this Bylaw and any or all provincial statutes.

Section 603: Notification Responsibility

- 6.3.1. A person who takes control of any stray dog or cat or Restricted Animal shall forthwith notify the Animal Control Officer and provide any information requested or available.
- 6.3.2. A person who takes control of any stray dog or cat or Restricted Animal shall forthwith surrender the Animal to the Animal Control Officer or comply as directed by the Animal Control Officer.

Section 604: Pounds and Pound Keepers Responsibility

- 6.4.1. It shall be the responsibility of the CAO to establish, make provisions for, or enter into an agreement to provide a pound for the impounding and keeping of dogs, cats, or domestic Animals captured, as the Council and the Alberta S.P.C.A, The Dangerous Dogs “Act”, The Animal Health Act, The Communicable Diseases Regulation of Alberta, The Alberta Health Act, The Stray Animals Act, The Bee Act, The Livestock Act, shall approve of.
- 6.4.2. The designated and contracted pound shall:
- a. receive and impound any dog or cat seized under the provisions of this Bylaw, or any Animal surrendered, or any Animal deposited as a stray;

- b. keep a record of such dog or cat or Animal on a form approved in conjunction with the Town and the Pound Keeper;
 - c. ensure that any Animal so impounded is provided with sufficient food and potable water to maintain the health and comfort of the Animal;
 - d. provide the services of a veterinarian as soon as practical for any Animal which appears to be ill or injured;
 - e. ensure that no Animal while impounded is unnecessarily mistreated;
 - f. ensure that all Animals unclaimed are humanely adopted as is possible or euthanized under joint consultation with the veterinarian and Animal Control Officer;
 - g. set fees for impound which the Town will also prescribe to the Owners. The Town, at its discretion, may impose additional surcharges prescribed in Schedule "D" for recovery of costs.
- 6.4.3. Any Animal which has been placed in the Pound, shall be kept therein for a period of not less than seventy-two (72) hours, exclusive of Statutory Holidays and Sundays unless claimed prior by the Owner or otherwise disposed of in accordance with this Bylaw.
- 6.4.4. An Owner may redeem an impounded Animal upon payment to the Town or Pound of all fines, licensing fees, impound charges, veterinary and medical services, and costs as prescribed by this Bylaw and shall take evidence of said payments to the Pound as proof of payment and authorization of release of said Animal.
- 6.4.5. The Town shall follow-up and bill any Owners of released Animals where there is evidence of lapsed, delinquent, or non-existent licensing.
- 6.4.6. In any case where a stray Animal is found to be ill or has been injured and it has been determined by a veterinarian or other competent person that the Animal should be euthanized to prevent needless suffering, the Animal will be euthanized as soon as practicable.
- 6.4.6.1 The charges for the euthanization will be borne by the town only if an Owner is not identified. Owners will be billed for the humane service of euthanization based on Pound Keeper costs.
- 6.4.7. Any dog or cat that has been impounded for longer than the period of time prescribed in this Bylaw may at the discretion of the Pound Keeper and in conjunction with the Animal Control Officer be:
- a. taken to the SPCA for adoption;
 - b. spayed or neutered, micro-chipped and adopted;
 - c. sold upon payment of all applicable fees and services; or
 - d. euthanized by a veterinarian.
- 6.4.8. The Pound Keeper shall, if the Animal is wearing a tag or other identification, provide the information to the Animal Control Officer who will make a conscientious effort to notify the Owner and provide said Owner a reasonable amount of time to claim the Animal before disposing or adopting said Animal.

- 6.4.9. The Pound Keeper at their sole discretion may receive any other stray Animals from Town residents other than dogs and cats. Where the Pound Keeper does receive a stray the Pound Keeper will keep all records, ensure to the comfort and safety of the Animal and provide medical assistance to the Animal.

Section 605: Orders by a Justice

- 6.5.1. A Justice, after convicting an Owner of an offence under this Bylaw may, if the Justice considers the offence sufficiently serious, direct, order, or declare one or more of the following:
- a. that the Owner prevent the Animal from doing mischief or causing the disturbance or nuisance complained of;
 - b. that the Animal is a Restricted Animal;
 - c. that the Animal be destroyed; or
 - d. that the Owner be prohibited from owning any Animal for a specified period of time.

Section 606: Proof of License

- 6.6.1. The onus of proving a person has a valid and subsisting license is on the person alleging the license.

PART 7: FEES AND CHARGES

Section 701: Payable by Owner

- 7.1.1. Where any dog, or other Animal is captured or taken into custody of the Pound, including by order of a court, the Owner shall pay to the Pound Keeper and the Town all fees and charges payable under this Bylaw, the Public Pound Bylaw, or any other applicable Bylaw, including the cost of the services of a veterinarian, whether the Animal is alive, dies or is euthanized.
- 7.1.2. Where a person who owns a Restricted Dog and transfers the dog to the Pound, the person shall be responsible for and pay to the Pound Keeper all fees, charges and costs payable as described in 7.1.1 above, including costs of euthanasia.
- 7.1.3. Where a person who owns any Animal including a cat transfers the Animal to the Pound, the person shall be responsible for and pay to the Pound Keeper and/or the Town all fees, charges and costs payable as described above including costs of euthanasia.
- 7.1.4. The Town may add fees and charges to the tax roll of any property for which all of the Owners are responsible for paying the fees and charges. The Town may recover costs by action or by adding the costs to the tax roll and collecting them in the same manner as taxes.
- 7.1.5. Where a dog is claimed from the Pound Keeper, the Owner shall provide proof of Ownership of the dog, as well as proof of payment for a current dog license, and compensate the Pound Keeper according to the sections of this Bylaw, as amended.

7.1.5.1. Should the Animal not have a license and no proof can be presented to the Pound Keeper, the Pound Keeper shall identify the lack of licensing information on the Pound Keeper's form and the Animal Control Officer shall prescribe the licensing fee to the Owner.

7.1.6. The Pound Keeper shall retain all impounded Domestic Animals or Livestock, other than Dogs or Cats, for a period of seven (7) days. Sundays, Statutory Holidays, and days that the Pound is not open shall not be included in the computation of the seven (7) day period.

During this seven (7) day period, any healthy impounded Domestic Animal or Livestock, other than Dogs or Cats, may be redeemed by its Owner upon the Owner paying to the Pound Keeper impoundment fees for every twenty-four (24) hour period or portion thereof that the impounded Domestic Animal or Livestock has been impounded, any veterinarian costs for the treatment of the Domestic Animal or Livestock, and where the impounded Domestic Animal is required to be registered and is not registered, the appropriate license fee.

This Bylaw shall come into effect upon the final passing thereof.

Bylaw No. 2-2007 and amendments thereto are hereby repealed upon this Bylaw coming into effect.

READ A FIRST TIME IN COUNCIL THIS ____ DAY OF _____, A.D. 2015

Mayor

Town Manager

READ A SECOND TIME IN COUNCIL THIS ____ DAY OF _____, A.D. 2016

Mayor

Town Manager

READ A THIRD TIME IN COUNCIL THIS ____ DAY OF _____, A.D. 2016

Mayor

Town Manager

**SCHEDULE “A”
Annual License Fees and Charges**

Section	Description	License	Lifetime
	Junior License - Each Un-neutered or Un-spayed Dog or Cat which is under six (6) months of age	\$5.00	N/A
	Spayed/Neutered/Micro chipped*	\$15.00	\$75.00
	Un-altered/Micro chipped	\$40.00	\$150.00
	Spayed/Neutered/Unmicro chipped	\$25.00	\$100.00
	Unaltered/Unmicro chipped	\$55.00	\$200.00
	Restricted Dog – must be spayed or neutered and micro chipped	\$250.00	N/A
	Pigeon License – Greater than 4	\$50.00	
	Service Animal	Free	Free
	Replacement Licence Tag	\$10.00 each	
	Pound Fees: Pound fees for dogs and cats will be at the current rates established by the Town’s Pound Keeper.		
	Euthanasia – as prescribed by authorized Pound Keeper		

- A Veterinarian’s Certificate need only be supplied at the time an Owner makes his first application for a license for a Dog or Cat.

Additional Fees and Charges

- Annual License Renewals outstanding after January 31 will be issued a \$125 fine for failure to license Animal, in addition to the cost of the license.
- Fee for surrendering an Animal to the Town will be applied at the discretion of the Animal Control Officer or designate, but may include the cost to spay/neuter, supply required shots and microchip the Animal.
- Daily Animal Boarding fee is at the rate set by the Pound Keeper; for 2016, \$25.50/day/dog and \$18/day/cat. Add \$5.00 for each weekend day.
- Retrieval fees (if your pet is picked up by the Animal Control Officer and/or taken to the Pound: Per Calendar Year, 1st offence – FREE if licensed with the Town of Vermilion, otherwise \$50.00; 2nd offence - \$75.00 3rd, and subsequent offence - \$100.00.

*Microchips must be implanted by a Registered Veterinarian and documentation provided to the Town of Vermilion at the time of licensing. All Animal licensing requirements with the Town of Vermilion must be completed by the owner.

SCHEDULE "B"
Penalties

Section	Description	First Offence Amount	Second and Subsequent Offence Amount
201	Failure to license Animal	\$ 125.00	
201	Give false information when applying for license	\$ 175.00	
201 202	Dog not displaying license	\$ 60.00	
202	Failure to microchip Restricted dog	\$ 800.00	
202	Failure to comply with Restricted Dog provisions	\$ 500.00	\$1,000.00
301	Keeping, harbouring, suffering or permitting an excess number of Dogs or Cats	\$ 150.00	\$ 300.00
303	Animals at Large	\$ 50.00	
304	Fail to control cats and dogs in Eustrus	\$ 100.00	
304	Allowing a Dog to Run at Large	\$ 50.00	\$ 75.00, \$ 100.00
	Allowing a Restricted Dog to Run at Large	\$ 1,000.00	\$ 1,500.00
304 305 307	Permitting a Dog or Cat to damage Public, or Private Property, defecate on property other than the Owner's and fail to remove, or allow defecated matter to accumulate or remain and create nuisance.	\$ 50.00	\$ 100.00
	<i>Restricted Animal</i>	\$ 200.00	\$ 500.00
304	Failure to remove defecation by Animal	\$ 100.00	
305	Release of Dog or Cat that was tied or otherwise restrained, without permission of Owner	\$ 50.00	\$ 100.00
305	Animals Disturbing the Peace	\$ 100.00	
306	Animal Chase or Threaten Persons	\$ 200.00	
306	Animal injuring a person	\$ 200.00	
306	Animal bite a person	\$ 300.00	
306	Animal attack a person	\$ 500.00	
306	Animal cause death to another Animal	\$1000.00	
307	Allow Animals to be in Distress	\$ 350.00 plus applicable Provincial Penalties	
308	Restricted dog in off leash area	\$ 800.00	
308	Animal bite, bark or chase stock, Animals, or vehicles	\$ 150.00	
308	Failure to maintain liability policy on Restricted dog	\$ 300.00	
308	Failure to confine Restricted Animal or failure to construct proper pen or Secure Enclosure	\$ 800.00	
308	Failure to keep Restricted Animal muzzled, harnessed or leashed	\$ 800.00	

	properly		
308	Failure to notify Animal Control Officer of sale, gift, transfer, or death of Restricted Animal	\$ 350.00	
308	Failure to confine, report bites or Animals suspected of communicable diseases	\$ 300.00 plus applicable Provincial Statutes	
309	Dog Leash inappropriate length	\$ 50.00	
309	Dog not on right side of Pathway	\$ 50.00	
309	Dog not under control on Pathway	\$ 50.00	
309	Dog obstruct or interfere with use of Pathway	\$ 50.00	
310	Dog not under control in off leash area	\$ 75.00	
403	Interference with Animal Control Officer, municipal official or employee	\$ 500.00	\$ 750.00
501	Keep livestock in prohibited areas	\$ 100.00	
502	Failure to obtain, or renew, pigeon license	\$ 100.00	\$ 150.00
502	Failure to keep and contain pigeons or rabbits in accordance with the Bylaw	\$ 150.00	\$ 250.00
601	Tormenting and teasing Animals including throwing and poking	\$ 250.00	
601	Unclean Animal runs, enclosures and improper disposal of manure in yards	\$ 250.00	
602	Unsafe transporting Animals in vehicles	\$ 100.00	
602	Animals unattended in motor vehicles	\$ 250.00	

**SCHEDULE “C”
LIVESTOCK**

“Livestock” includes, but is not limited to:

- a. a horse, mule, ass, swine, emu, ostrich, camel, llama, alpaca, sheep, goat or pig;
- b. domestically reared or kept deer, reindeer, moose, elk, or bison;
- c. farm bred fur bearing Animals including foxes or mink;
- d. Animals of the bovine species;
- e. Animals of the avian species including chickens, turkeys, ducks, geese, or pheasants; and
- f. all other Animals that are kept for agricultural purposes,
- g. but does not include cats, dogs, or other domesticated household pets.

SCHEDULE "D"
PROHIBITED ANIMALS LIST

Including but not limited to:

MAMMALS

- a. Artiodactyla (such as cattle, goats, sheep, pot-bellied pigs)
- b. Canidae (such as coyotes, wolves, foxes, hybrid wolf dogs) except dogs
- c. Edentates (such as anteaters, sloths, armadillos)
- d. Felidae (such as tigers, leopards, cougars) except cats
- e. Lagomorpha (such as hares, pikas) except rabbits
- f. Marsupials (such as kangaroos, opossums, wallabies)
- g. Mustelidae (such as mink, skunks, weasels, otters, badgers) except ferrets
- h. Non-human primates (such as chimpanzees, gorillas, monkeys, lemurs)
- i. Perissodactyla (such as horses, donkeys, jackasses, mules)
- j. Rodentia (such as porcupines and prairie dogs) except rodents which do not exceed 1,500 grams and those that are derived from self-sustaining captive populations

BIRDS

- a. Anseriformes (such as ducks, geese, swans, screamers)
- b. Galliformes (such as pheasants, grouse, guinea fowls, turkeys)
- c. Struthioniformes (flightless ratites such as ostriches, and emus)

REPTILES

- a. Crocodylia (such as alligators, crocodiles, gavials)
- b. All snakes which reach an adult length larger than 3 metres
- c. All lizards which reach an adult length larger than 2 metres

OTHER

- a. All venomous and poisonous Animals

**SCHEDULE “E”
APPROVED OFF LEASH AREAS**

1. Dog Park at 5402 – 44 Street