

THE CITY OF SPRUCE GROVE

BYLAW C-977-16

DOG AND DOMESTIC ANIMAL CONTROL BYLAW

WHEREAS, pursuant to the *Municipal Government Act*, R.S.A., 2000, c.M-26, a municipality may pass bylaws with respect to wild and domestic animals and activities in relation to them;

AND WHEREAS pursuant to the *Municipal Government Act*, R.S.A., 2000, c.M-26, a municipality may pass bylaws with respect to the safety, health and welfare of people and the protection of people and property;

AND WHEREAS, the City of Spruce Grove is of the view that it is necessary for the preservation and protection of public health, safety and welfare of the residents of the City of Spruce Grove to provide for the control and keeping of Dogs and Domestic Animals within the City of Spruce Grove.

NOW THEREFORE, the Council for the City of Spruce Grove, duly assembled hereby enacts as follows:

1. DEFINITIONS

- 1.1. "Animal Control Officer (ACO)" shall mean an empowered person and his or her administrative supervisors, whose duties entail carrying out the provisions of this Bylaw.
- 1.2. "Cat" shall mean any domesticated cat.
- 1.3. "City" shall mean the municipal corporation of the City of Spruce Grove.
- 1.4. "Council" shall mean Municipal Council of the City of Spruce Grove.
- 1.5. "Collar" shall mean a device made of leather, fibre, metal etc. capable of having metal tags securely fastened to it and designed and solely intended to be worn around the neck of a Dog.
- 1.6. "Communicable Diseases" shall mean diseases which can be passed from animal to animal and zoonotic diseases as per the *Animal Protection Act*, RSA, 2000.
- 1.7. "Dog" shall mean any canine animal over the age of six (6) months.
- 1.8. "Domestic Animal" shall mean:
 - a. All animals which have been domesticated for agricultural use and shall include, without restricting the generality of

the foregoing, pigs, horses, sheep, goats, chickens, geese, turkeys, ducks or cows.

- b. Includes those animals that have been domesticated and are kept as pets, and shall include but not be limited to pigeons, rabbits and pheasants but shall not include Cats.
- 1.9. A “Kennel” shall be deemed to be in operation if more than three (3) Dogs are harboured at any one location, shelter, room, dwelling, or place. This definition does not include premises licensed by the City of Spruce Grove as veterinary clinics or Dog grooming establishments, nor does it include those premises designated as the Pound as defined in this bylaw.
 - 1.10. “Owner” shall mean a Person or group of Persons, corporation, partnership or association having legal title or ownership, temporary care, control or custody or permanent possession of a Dog or Domestic Animal, or who harbours or permits a Dog or Domestic Animal to remain on their premises.
 - 1.11. “Former Owner” shall mean a Person or group of Persons, partnership or association who, at the time of impoundment was the Owner of the Dog or Domestic Animal which was subsequently sold or euthanized.
 - 1.12. “Playground” shall mean that portion of a public park in the City of Spruce Grove that contains playground equipment such as sandboxes, slides, teeter totters, monkey bars and other equipment for the use and enjoyment of children.
 - 1.13. “Peace Officer” means a member of the Royal Canadian Mounted Police, a Peace Officer appointed under the Peace Officer Act, or a City Bylaw Officer.
 - 1.14. “Person” shall mean any individual, corporation, firm, partnership, association, society, or registered company.
 - 1.15. “Pound” shall mean a place designated by Council for the impounding and keeping of Dogs and domestic animals found Running at Large within the municipal limits of the City of Spruce Grove.
 - 1.16. “Pound Van” shall mean any vehicle used for the transportation of Dogs or domestic animals which is in the control of an Animal Control Officer with the intention of impounding said Dogs or domestic animals.
 - 1.17. “Running at Large” shall mean any Dog or Domestic Animal that is off the property of the Owner or harbours and is not on a leash or lead and under the control of a responsible or competent Person capable

of controlling the animal. The leash or lead shall not be greater than three (3) metres in length.

- 1.18. "SPCA" shall mean The Society for the Prevention of Cruelty to Animals.
- 1.19. "Residential District" shall mean an area designated as a Residential District in City of Spruce Grove Bylaw C-824-12, Land Use Bylaw as amended from time to time.
- 1.20. "Tag" shall mean a disc or other shape of metal or plastic which is securely affixed to a Dog's collar or other restraining device, and which contains, at a minimum an operational phone number of the Owner or a phone number at which the Owner can be contacted.
- 1.21. "Tranquilizer Gun" shall mean a pistol, rifle, or Kap-Chur™ or similar device capable of propelling a dart containing a tranquilizer drug approved by a qualified veterinary surgeon. The device may be used for immobilizing an animal in order to facilitate capture by a Peace Officer.
- 1.22. "Vicious Dog" shall mean a Dog which:
 - a. shows a propensity, disposition or potential to attack or injure humans or other animals without provocation; or
 - b. attacks, bites, or injures any human or other animal without provocation; or
 - c. represents a continuing threat of serious harm to humans or other animals; or
 - d. is deemed to be dangerous by a Justice under the provisions of the *Dangerous Dogs Act*, RSA, 2000, c. D-3.

2. DOG IDENTIFICATION PROVISIONS

- 2.1. All Owners must ensure that Dogs over the age of six (6) months which they own have a Tag containing a legible and operational phone number of the Owner or where the Owner can be contacted. The Tag shall be securely attached to a collar, choke chain or harness which must be worn at all times by the Dog when the Dog is off the property of the Owner.
- 2.2. The Dog shall not be considered to be properly identified if the Dog is not wearing a Collar with a Tag when the Dog is off the property of the Owner and the Owner shall be subject to a fine for failing to properly identify the Dog as per the attached schedule.

3. RESTRICTIONS AND RESPONSIBILITIES

- 3.1. No Person shall keep, harbour or possess a Domestic Animal within the limits of the City except in accordance with the provisions of Bylaw C-824-12, Land Use Bylaw as amended or as otherwise provided for in this bylaw.
- 3.2. The keeping of pigeons or rabbits is permitted in numbers less than five (5) on residential property, subject to the pigeons or rabbits, if they are kept out of doors, being kept in pens. The pens may not be closer than one and one half (1½) metres from the nearest property boundary and if complaints arise from the keeping of said pigeons or rabbits or damage to another Person's property by said pigeons or rabbits as proven, Council may direct the Person owning the said pigeons or rabbits to restrain, dispose of or destroy the same.
- 3.3. It shall be the responsibility of all Owners of Dogs or domestic animals to ensure that:
 - a. the Dog or Domestic Animal is not permitted to run at large;
 - b. the Dog or Domestic Animal is not permitted to bark, howl or bay excessively in such a manner as to disturb the quiet of any Person(s);
 - c. during any period in which a bitch or female member of a species of Domestic Animal is in heat, the Owner of such animal shall keep the bitch or female in heat housed or confined within a house, shed or other fully enclosed structure during the entire period it is in heat;
 - d. no Dog or Domestic Animal is permitted to enter or remain in any swimming, bathing, or wading pool or pond areas provided for the use of the public;
 - e. no Dog or Domestic Animal that is suffering from a Communicable Disease is permitted to come in contact with other animals or humans. The Owner of said distressed Dog or Domestic Animal shall ensure the animal is kept confined;
 - f. no Dog or Domestic Animal is permitted to be a public nuisance by:
 - (i) biting, attempting to bite or chasing people or other animals,
 - (ii) biting, threatening or chasing livestock, or
 - (iii) causing any harm or damage to any other animal;

The Owner of any Dog or Domestic Animal deemed to be a public nuisance may be fined as specified in Schedule B to this bylaw and ordered by a Magistrate or Justice of the Peace to muzzle or confine said animal for such period of time as is determined by said Magistrate or Justice of the Peace. A Magistrate or Justice of the Peace may also order said animal to be euthanized as per the *Dangerous Dogs Act*;

- g. no Dog or Domestic Animal is permitted to cause damage to public or private property or other animals;
- h. no Dog or Domestic Animal is permitted on any Playground areas;
- i. no Dog or Domestic Animal is permitted on any school grounds, parks or open spaces unless it is on a leash not exceeding three (3) metres in length or as otherwise designated by the City; and
- j. no Dog or Domestic Animal is allowed to defecate on any public or private property other than the property of the Owner. If a Dog or Domestic Animal defecates on any public or private property, the Owner shall cause the feces to be removed immediately.

3.4. A resident of Spruce Grove may make an application to Enforcement services to rent a live cat trap to catch any Cats located on their property.

- a. Cat traps will only be provided to residents from April 1st to September 30th.
- b. Upon catching a Cat the resident will return the Cat to its rightful Owner or deliver it forthwith to the Parkland County Shelter.

3.5. No Vicious Dog is permitted or allowed to be on any public or private property other than the property of the Owner unless the Vicious Dog is:

- a. muzzled;
- b. on a leash adequate to restrain the Dog, said leash shall not be longer than two (2) metres; and
- c. under the effective control of the Owner or someone over the age of sixteen (16) years of age acting on behalf of and with the authority of the Owner.

- 3.6. Paragraphs 3.4 (a) and (b) shall not apply to a Vicious Dog which is confined within a secure and locked pen, or to a Vicious Dog which is in a building or enclosure and in attendance at a bone fide Dog show.
- 3.7. At all times, every Vicious Dog which is on private property owned or under control of its Owner shall either be confined indoors or under the effective control of a Person over the age of sixteen (16) years or confined in a secure and locked pen capable of preventing the entry of young children. Such a pen shall have secure sides and a secure top and if it has no bottom secured to the sides, the sides shall be embedded in the ground to a minimum depth of thirty (30) centimetres, and the pen shall be so constructed of a minimum of nine (9) gauge link fence.
- 3.8. The Owner of a Vicious Dog shall take all necessary steps to ensure that such a Dog does not bite, chase or attack any Person or other animal, whether or not the Person or other animal is on the property of the Owner or not.
- 3.9. If an Animal Control Officer or a Peace Officer determines that a Dog is a Vicious Dog either through personal observation or after an investigation initiated by a complaint, the Animal Control Officer or Peace Officer may in writing:
 - a. inform the Owner that the Owners Dog has been determined to be a Vicious Dog;
 - b. require the Owner to keep such Dog in accordance with the provisions of this bylaw respecting Vicious Dogs; and
 - c. inform the Owner that, if the Vicious Dog is not kept in accordance with the provisions of this bylaw with respect to Vicious Dogs, the Owner will be fined or subject to enforcement action.
- 3.10. In addition to the remedies and penalties set forth in this bylaw, if the Animal Control Officer determines that a Vicious Dog is not being kept in accordance with this bylaw, the City may bring an application pursuant to the *Municipal Government Act*, RSA, c. M-26.1 Section 7 for an order directing that such Dog be controlled in accordance with this bylaw or be removed from the City.
- 3.11. Where a Dog is determined to be a Vicious Dog pursuant to the provisions of this bylaw, the Owner, possessor or harbourer of such Dog shall:
 - a. post signs on their premises alerting the public to said fact that a Vicious Dog is located on the said premises; and

- b. not breed or sell such Dog within the City; and
 - c. immediately notify an Animal Control Officer or a Peace Officer should the Dog be at large.
- 3.12. No Person shall allow a Dog to be outside of the passenger cab of a motor vehicle on a roadway, regardless of whether the motor vehicle is moving or Parked.
- a. Notwithstanding subsection 3.12, a Person may allow a Dog to be outside the passenger cab of a motor vehicle, including riding in the back of a pick up truck or flat bed truck if the Animal is:
 - (i) in a fully enclosed trailer;
 - (ii) in a topper enclosing the bed area of a truck;
 - (iii) contained in a ventilated Kennel or similar device securely fastened to the bed of the truck; or
 - (iv) 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.
 - b. For the purpose 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.
 - c. The owner of a vehicle involved in an offence referred to in this Section is guilty of the offence, unless that vehicle owner satisfies the Court that the vehicle was:
 - (i) not being driven or was not Parked by the owner; and
 - (ii) that the Person driving or Parking the vehicle at the time of the offence did so without the vehicle owner’s express or implied consent.
- 3.13. No Person shall:
- a. hinder, impede, delay, or obstruct any person or persons employed by the City engaged in taking to the Pound any Dog or Domestic Animal liable to be impounded under the provisions of this bylaw;

- b. remove or attempt to remove any Dog or Domestic Animal from the possession of an Animal Control Officer, Pound keeper, or any other person(s) authorized to enforce any provisions of this bylaw;
- c. unlock, unlatch, open or tamper with any vehicle in which animals have been placed for impoundment, allowing said animals to escape;
- d. induce or persuade any Dog or Domestic Animal to enter a house or other place where it may be immune from capture by the Animal Control Officer or other authorized person(s), or otherwise assist any Dog or Domestic Animal to escape capture;
- e. negligently or willfully open any gate, door or other opening in a fence or enclosure in which a Dog or other Domestic Animal has been confined; or otherwise obstruct any Dog or domestic animals confinement, thereby allowing said Dog or other Domestic Animal to run at large within the City.
- f. tease, torment, or annoy any Dog or Domestic Animal;
- g. operate a Kennel in any Residential District of the City. Anyone operating a Kennel shall be required to obtain a development permit in accordance with Bylaw C-824-12, Land Use Bylaw, and maintain a valid business license in accordance with Bylaw C-855-13, Business License Bylaw. Such permits will not be granted for the operation of a Kennel within a residential area; or
- h. Ignore or further neglect any Dog or other Domestic Animal found to be in distress as defined by the *Animal Protection Act*, RSA, 2000. Any Dog or Domestic Animal found to be in distress shall be reported to the Animal Control Officer who shall take such action as is required under the *Animal Protection Act*.

4. RIGHT OF ENTRY

- 4.1. The City agrees to patrol and enforce the provisions of this bylaw on private property including but not limited to such areas as condominium sites, mobile home parks or malls subject to the following conditions:
 - a. the signing authority for the property (owner or executive authority for the property) requests animal control in writing. The request shall be forwarded to the General Manager of Community and Protective Services;

- b. the signing authority for the property shall have issued to the City a release from liability, saving the City harmless from any and all legal actions which may arise as a result of enforcing animal control on the property; and
- c. a site plan of the property in question is provided to the General Manager of Community and Protective Services.

5. IMPOUNDMENT

- 5.1. It shall be the responsibility of Council to establish, make provisions for, or enter into agreements for the establishment of a Pound for impounding and keeping Dogs and other Domestic Animals captured, as Council and the SPCA shall approve of. Council is authorized and empowered to make any and all such rules and regulations not inconsistent with this bylaw and the rules and regulations of the SPCA, as both Council and the SPCA shall consider necessary for the conduct and regulations of such Pounds; and Council shall appoint a Pound keeper to carry out the provisions of this bylaw.
- 5.2. It shall be the duty of the Animal Control Officer and such person(s) as shall be authorized by Council to capture all Dogs or Domestic Animals found Running at Large within the limits of the City contrary to the provisions of this bylaw or found upon any street or in any public place in the City, and to impound same in said Pound. The said Dog or Domestic Animal impounded shall be kept there confined, subject to the Owners or possessor's right to redeem same within seventy two (72) hours from the time of their capture excluding Sundays and Statutory Holidays. Said Dogs or Domestic Animals shall not be released from said Pound unless an Owner or possessor can present to the satisfaction of the Pound keeper that he has paid all Pound fees, and has obtained the necessary clearance from the Animal Control Officer or the General Manager of Community and Protective Services.
- 5.3. The Animal Control Officer or any person(s) duly qualified to handle a Tranquilizer Gun is hereby authorized, when all normal attempts to capture a Dog or Domestic Animal have failed, to use a Tranquilizer Gun to effect the capture of said Dog or Domestic Animal.
- 5.4. Each Dog or Domestic Animal impounded under the provisions of this bylaw shall be subject to impounding fees as set down by the Pound keeper. The above mentioned fees shall apply for each and every day of confinement (with the exception of Sundays and Statutory Holidays), to a maximum of seventy two (72) hours.
- 5.5. If said Dog or Domestic Animal that is impounded is not redeemed within seventy two (72) hours as aforementioned, said Dog or

Domestic Animal shall be euthanized or otherwise disposed of by sale. The purchaser of the impounded animal from the Pound pursuant to the provisions of this bylaw shall obtain full right and title to it and the right and title of the Former Owner shall be forfeit.

- 5.6. It shall be the duty of the Animal Control officer to the best of their ability, to ascertain the name of the Owner of any impounded animal and advise them of the impoundment of their animal.
- 5.7. It shall be the duty of any Owner, possessor, or harbourer of any suspected rabid or otherwise communicably ill Dog or Domestic Animal to obtain a certificate of illness from a veterinary surgeon; and said Owner, possessor, or harbourer shall take such steps and precautions as are required by said veterinary surgeon and as are required by this bylaw.
- 5.8. It shall be the duty of the Animal Control Officer to report any apparent illness or Communicable Disease, injury, unhealthy condition or otherwise distressful signs of any Dog or Domestic Animal impounded to a veterinary surgeon or the SPCA, and act upon the recommendation of said veterinary surgeon or the SPCA.
- 5.9. The Owner or Former Owner, if known, shall be held responsible for all charges resulting from any veterinary examination and action to said Owners or Former Owner's Dog or Domestic Animal.
- 5.10. It shall be the duty of the Animal Control Officer to retain or order the retention of any Dog or Domestic Animal for a longer period of impoundment, if in their opinion the circumstances warrant extending the impoundment.

6. CONVICTIONS AND PENALTIES

- 6.1. A Person is a party to and guilty of an offence who:
 - a. actually commits the offence; or
 - b. does or omits an act for the purpose of aiding a Person in the commission of an offence; or
 - c. abets a Person in the commission of an offence; or
 - d. counsels or procures a Person to commit an offence.
- 6.2. Any Person who contravenes any provision of this bylaw is guilty of an offence.

- 6.3. 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 on summary conviction to a fine as set out in Schedule B attached hereto.
- 6.4. A notice, form, or infraction ticket may be issued by the Animal Control Officer, RCMP Officer, or Peace Officer, to any Person(s) charged with a breach of any provision of this bylaw.

7. EFFECTIVE DATE

- 7.1 This bylaw shall come into force and effect when it receives third reading and is duly signed.

8. REPEAL OF BYLAW C-907-15

- 8.1. Bylaw C-907-15 is hereby repealed.

First Reading Carried 28 November 2016

Second Reading Carried 28 November 2016

Third Reading Carried 12 December 2016

Date Signed 15 December 2016

Mayor

City Clerk

SCHEDULE B – FINES FOR INFRACTIONS

INFRACTION		<i>First offence</i>	<i>Second and subsequent offences</i>
2.1	Failing to properly identify a Dog	\$250.00	\$300.00
3.1	Dog or Domestic Animal in a restricted area	\$100.00	\$150.00
3.2	Keeping a Domestic Animal contrary to the provisions of this bylaw	\$100.00	\$150.00
3.3a	Allowing a Dog to run at large	\$100.00	\$200.00
3.3b	Dog or Domestic Animal disturbing the peace of other Persons	\$150.00	\$250.00
3.3c	Bitch in heat, not confined	\$50.00	\$50.00
3.3d	Dog or Domestic Animal in public swimming pool	\$100.00	\$150.00
3.3e	Diseased Dog or Domestic Animal not confined	\$100.00	\$150.00
3.3f	Dog or Domestic Animal being a public nuisance	\$150.00	\$300.00
3.3g	Dog damaging property or injuring other animals	\$100.00	\$150.00
3.3h	Allowing Dog in Playground / school ground or posted park areas	\$150.00	\$200.00
3.3j	Failure to remove defecation	\$100.00	\$150.00
3.4b	Fail to deliver Cat to Owner or Parkland Shelter	\$100.00	\$200.00
3.5a	Failure to muzzle or secure Vicious Dog	\$250.00	\$500.00
3.7	Failure to confine Vicious Dog	\$250.00	\$500.00
3.8	Vicious Dog bites or attacks	\$500.00	\$1000.00
3.11a	Failure to post warning signs	\$100.00	\$150.00
3.11c	Failure to notify Animal Control Officer of Vicious Dog at large	\$250.00	\$500.00
3.12	Allow an animal outside of passenger cab of vehicle	\$100.00	\$150.00
	Violations of any provisions of section 3.13 (a) through (e)	\$150.00	\$120.00
3.13f	Torment or tease a Dog or Domestic Animal	\$50.00	\$100.00
3.13g	Illegal operation of a Kennel	\$250.00	\$500.00
3.13h	Negligence of a distressed Dog or Domestic Animal	\$100.00	\$150.00