



**BYLAW NO. 18-18
OF THE TOWN OF STRATHMORE
IN THE PROVINCE OF ALBERTA**

**BEING A BYLAW OF THE TOWN OF STRATHMORE IN THE PROVINCE OF ALBERTA,
FOR THE PURPOSE OF REGULATING AND CONTROLLING ANIMALS.**

WHEREAS, Sections 7 and 8 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, as amended or repealed and replaced from time to time, authorizes the Town of Strathmore Council to pass bylaws to license and regulate wild and domestic animals and activities in relation to them;

AND WHEREAS the Town of Strathmore Council deems it advisable to adopt such a bylaw;

NOW THEREFORE the Town of Strathmore Council, duly assembled, enacts as follows:

1.0 TITLE

1.1 This Bylaw may be cited as the "Responsible Animal Control Bylaw".

2.0 DEFINITIONS

2.1 For interpreting this Bylaw, the following terms have the following defined meanings:

- a) **Abused Animal** means any animal which is:
 - i. mistreated, beaten, tormented or teased;
 - ii. deprived of water, food or shelter;
 - iii. left unattended in a Motor Vehicle without adequate ventilation or temperature control;
 - iv. abandoned, or
 - v. trained for fighting other Animals.
- b) **Aggressive Manner** means a manner that is likely to cause a reasonable person to be concerned for his or her safety or security.
- c) **Animal** means any animal kept by Persons for domestic purposes or as a household pet including but not limited to dogs, cats, rabbits, ferrets but does not include fish or wildlife.
- d) **Animal Material** means any animal excrement, offal, carcasses or parts thereof, and includes all material accumulated on a premise from the operation of pet pens, pet yards, kennels, stables, feedlots, veterinary clinics or animal hospitals.
- e) **Animal Shelter** means a facility or facilities designated by the Town from time to time as a facility for the impoundment and care of Animals subject to this Bylaw.
- f) **At Large** means an Animal which is off the premises of the Animal's Owner and which is not restrained by a Restraining Device and under immediate, effective and continuous control of a competent and responsible Person.



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- g) **Bee** means the insect *Apis mellifera* L., also known as honey bees. (*Also reference Schedule 'B' of this bylaw*)
- h) **Cat** means a member of the species "*Felis Catus*" (commonly referred to as the domestic cat or house cat), whether male or female, including any hybrid offspring of that species.
- i) **Chief Administrative Officer or CAO** means the person appointed to the position and title by Town of Strathmore Council, or their designate.
- j) **Communicable Disease** means any disease or illness which may be transferred from an Animal to another Animal or Person through direct or indirect contact.
- k) **Complaint** refers to the initial reported contravention of this Bylaw, whether such complaint is made by a member of the public, an employee of the Town, or self-generated by an enforcement officer in order to prevent continued or further contraventions.
- l) **Controlled Confinement** means when an Animal is confined in a pen, cage, building or other structure or is securely tethered in a manner that will not allow the Animal to physically harm any Person or Animal.
- m) **Council** means the Municipal Council of the Town of Strathmore.
- n) **Damage to outdoor public place or private property** means any destruction, injury or harm caused to private property, public property or other public space by an Animal.
- o) **Dog** means a member of the species "*Canis Lupus Familiaris*" (commonly referred to as the domestic dog), whether male or female, including any hybrid offspring of that species.
- p) **Enforcement Officer** means the person appointed by the Town to enforce the provisions of this Bylaw and includes a member of the Royal Canadian Mounted Police, a Community Peace Officer or Municipal Enforcement Officer of the Town of Strathmore.
- q) **Exotic Animal** is any pet that is not a dog, cat, some rodents, reptiles or amphibians are no longer being considered Exotic. Any unique or wild looking animal generally refers to a species which is not native or indigenous to the owners local, and **pet** is a companion animal living with people. (*Also reference Schedule 'A' of this Bylaw*)
- r) **Foster Animal** means a dog or cat placed in a person's custody on a temporary basis by a humane society for fostering purposes.
- s) **Humane Society** means the Society for the Prevention of Cruelty to Animals (SPCA) or other similar society or corporate entity that rescues, cares for and arranges fostering and adoption of animals.



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- t) **Land Use Bylaw** means the Town's Land Use Bylaw, as amended or as repealed and replaced from time to time.
- u) **License/Vicious Animal License** means the license issued under this Bylaw.
- v) **Municipal Tag** means a tag or similar document issued by the Town under the Municipal Government Act that alleges a bylaw offence and provides a person with the opportunity to pay an amount to the Town in lieu of prosecution for the offence.
- w) **Motor Vehicle** means a road vehicle as defined in the Traffic Safety Act, R.S.A. 2000, Chapter T-6 and regulations, as amended or repealed and replaced from time to time.
- x) **Outdoor Public Place** means a place outdoors to which the public is ordinarily invited or permitted access to and, for greater certainty, includes but is not limited to a sidewalk, street, parking lot, public facility, park and playground, school grounds, beach, pool, seasonal multipurpose pathways, skate park, sports field, agricultural grounds or water playground.
- y) **Owner** means any Person:
 - i. who has the care, charge, custody, possession or control of an Animal;
 - ii. who owns or claims a proprietary interest in the Animal;
 - iii. who harbours, suffers, or permits an Animal to be present on any property owned or under his/her control;
 - iv. who claims and receives an animal from the custody of the Animal Shelter or an Enforcement Officer;
 - v. who holds themselves out as a person having the powers and authority of ownership or control of the property or Premises, or any Person who for the time being, exercises the powers and authority of ownership or control of the property or Premises;
 - vi. a Person controlling or managing the property or Premises.
- z) **Police Dog** means a Dog that is owned by a recognized police agency, or a private individual, for aiding in law enforcement and is trained or in training for that purpose.
- aa) **Possession** means a Person who:
 - i. has physical or effective control of an Animal; or
 - ii. has transferred physical or effective control of an Animal to another Person for allowing that Person to exercise control over that Animal for a period of time.
- bb) **Private Property Owner** means a Person having a legal or equitable interest in any land, building or structure within the Town, including any resident, tenant or occupier of such land or building.



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- cc) **Provincial Offences Procedure Act** means the Provincial Offences Procedure Act, R.S.A. 2000, Chapter P-34, and the regulations thereof, as amended or replaced from time to time.
- dd) **Public Nuisance** includes the following activities:
- i. biting a Person or Animal;
 - ii. ii) chasing any Person, Animal, Motor Vehicle or bicycle;
 - iii. iii) barking, howling or otherwise disturbing any Person;
 - iv. iv) causing damage to property;
 - v. v) upsetting waste receptacles or scattering the contents thereof; and
 - vi. vi) being left unattended in a Motor Vehicle unless the Animal is restricted in such a way to prevent the Animal having access to Persons or other Animals located outside the Motor Vehicle. Such restraint must, always, provide suitable ventilation for the Animal.
- ee) **Registered Veterinarian** means a registered Veterinarian as defined in the Veterinary Profession Act, R.S.A. 2000, Chapter V-2.
- ff) **Residential Building** means a permanent or semi-permanent structure used as a residence containing one or more dwelling units, including a house, multi-family dwelling, apartment building, condominium complex, lodging house, hotel, motel, mobile home, tent, trailer, motor home, camper or recreational Vehicle of any type.
- gg) **Restraining Device** means any leash or other restraining system capable of allowing the Owner to maintain adequate control of the attached Animal and preventing the Animal from chasing or biting other Animals or Persons, or if located on the property of the Owner, capable of retaining the animal within the boundaries of the Owner's property.
- hh) **Secure Enclosure** means a building, cage, fenced area or other enclosure for the retaining of an Animal and which prohibits the Animal from jumping, climbing, digging or using any other means to exit the enclosure, and which is capable of prohibiting the entry of young children into the enclosure, and which, conforms with the following minimum requirements:
- i. the Secure Enclosure shall have secure sides and a secure top. If the Secure Enclosure has no bottom secured to the sides, the sides of the Secure Enclosure must be embedded in the ground to a minimum depth of thirty (30) centimeters;
 - ii. the Secure Enclosure must provide the Animal with adequate shelter from the elements including heat, cold, sun, rain, and wind;
 - iii. the Secure Enclosure must be located not less than 1.0 meter away from the property line and not less than 5 meters away from a dwelling unit of any adjacent property; and
 - iv. in the case of a Dog, the Secure Enclosure must be not less than 1.5 meters wide by 3.0 meters long and a minimum of 1.5 meters in height.



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- ii) **Serious Wound** means an injury resulting from an Animal which causes a breaking of the skin or the flesh to be torn.
- jj) **Service Dog** has the same meaning as in the *Service Dogs Act* and regulations thereunder.
- kk) **Support Animal** means a Therapy or Companion animal that is recognized by a Canadian Authority qualifying the animal as such. (*Also reference Schedule 'A'*)
- ll) **Town** refers to the Town of Strathmore.
- mm) **Trespasser** means a Person who intentionally, without consent, privilege right, lawful authority, or express or implied invitation, permission or license, and not in performance of any duties, but merely for his own purpose, pleasure or convenience, enters another's property. For greater clarity, a Trespasser shall not include municipal employees acting in the course of their employment, census takers or employees of a utility servicing the property who are acting in the course of their employment.
- nn) **Vicious Animal** means:
 - i. any Animal which has, without provocation, chased, attacked, or bitten an Animal or Person;
 - ii. any Animal which has, without provocation, inflicted a Serious Wound upon another Animal or Person, but shall not include an Animal that has inflicted a Serious Wound upon a Trespasser on the property of the Animal's Owner or any property controlled by the Animal's Owner; or
 - iii. any Animal that has been the subject of an order or direction of a Justice, pursuant to the ***Dangerous Dogs Act***, R.S.A. 2000, Chapter D-3, as amended or repealed and replaced from time to time.
- oo) **Violation Ticket** means a ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000, Chapter P-34, as amended, or repealed and replaced from time to time, and any Regulations thereunder.
- pp) **Wildlife** has the same meaning as in the Wildlife Act.
- qq) **Wildlife Act** means the Wildlife Act, R.S.A. 2000, Chapter W-10, as amended.

3.0 RULES OF INTERPRETATION

- 3.1 Nothing in this Bylaw relieves a person from complying with any provision of any Provincial or Federal legislation or regulation, other bylaw or any requirement of any lawful permit, order or licence.
- 3.2 Any headings or sub-headings in this Bylaw are included for guidance purposes and convenience only and shall not form part of this Bylaw.



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- 3.3 This Bylaw is gender-neutral and, accordingly, any reference to one gender includes another.
- 3.4 Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 3.5 Any reference to the provisions of a statute of Alberta or another bylaw is a reference to that statute or bylaw as amended or repealed and replaced from time to time.

4.0 FOSTER ANIMALS

4.1 Request for Foster Animal Licence

- 4.1.1 Any person that becomes or intends to become, on a temporary basis, the owner of a foster animal that is otherwise required to be licensed may in their application for the licence request that the licence be issued as a foster animal licence.
- 4.1.2 An owner who requests that a licence be issued as a foster animal license shall provide, written documentation identifying the organization from which the foster animal has been obtained and confirming that the dog or cat subject to the licence application is a foster animal.
- 4.1.3 If, based on the written documentation provided the Chief Administrative Officer is satisfied, that the dog or cat is a foster animal, the Chief Administrative Officer may authorize the issuance of a foster animal licence for the dog or cat in question.
- 4.1.4 In the event that the person to whom the foster animal licence has been issued permanently adopts the dog or cat that is the subject of the foster animal license, that person shall immediately apply for a licence as required by this Bylaw.
- 4.1.5 It is the responsibility of the Foster Family to notify the Town when the Foster animal(s) leave for their forever home or are returned.

4.2 Application of Licence Provisions to Foster Animal Licences

No license fee shall be payable for the issuance of a foster animal licence.

4.3 Expiry of Foster Animal Licence

- 4.3.1 A foster animal licence shall expire eight (8) weeks after the date on which the foster animal licence is granted, unless the Chief Administrative Officer, prior to the date of expiry, expressly authorizes the extension of the foster animal licence for a defined period of time.



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- 4.3.2 Upon expiry of a foster animal licence, the dog or cat that is the subject of the foster animal licence, shall be considered unlicensed, unless a licence has been applied for or the dog or cat is subject to a licensing exemption pursuant to this Bylaw.

5.0 RESTRICTIONS

5.1 Exotic Animals

- 5.1.1 The owner of an exotic animal shall, in addition to any other duty imposed under the *Wildlife Act*:
- a) at all times, confine the exotic animal within a secure enclosure or within the residence of the owner; and
 - b) immediately notify an Enforcement Officer if the exotic animal is at large.
- 5.1.2 An owner who fails to comply with this bylaw or Schedule 'A' is guilty of an offence. Under this bylaw
- 5.1.3 In addition to the remedies set forth elsewhere in this Bylaw, if a designated officer determines that an exotic animal is not being kept in accordance this Bylaw, the designated officer may issue an order pursuant to section 545 of the *Municipal Government Act* directing that the exotic animal be kept in accordance with this Bylaw or removed from the Town.

5.2 Hygiene and Nuisances

- 5.2.1 Subject to subsection 5.2.2, where an animal has defecated on any property other than the owner's property, the owner shall remove such defecation immediately and failure to do so shall constitute an offence.
- 5.2.2 An owner whose animal has upset a waste receptacle, causing its contents to be scattered in or about a street, lane or property other than the owner's property, is guilty of an offence.
- 5.2.3 An owner's property shall be maintained in a clean and sanitary condition and an owner shall take such steps as are necessary to prevent the presence of nuisances, including but not limited to:
- a) the accumulation of fecal matter in an amount which, in the opinion of an Enforcement Officer, is excessive; and
 - b) offensive or noxious odors arising as a consequence of the keeping of an animal on the owner's property.



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5.2.4 An owner who fails to maintain property in accordance with subsection 5.2.3 is guilty of an offence.

5.2.5 An owner of a female animal in estrus (also known as being “in heat”) who does not contain or restrain that animal, both on and off the owner’s property, in a manner sufficient to avoid attracting other animals, is guilty of an offence.

6.0 OFFENCES

6.1 Any Person who violates any provision of this Bylaw is guilty of an offence.

6.2 No Person shall tease, torment or annoy an Animal.

6.3 No Person, being the “Owner” or a person in charge of an Animal, shall permit the Animal to be an Abused Animal.

6.4 No Person shall:

- a) untie an Animal which has been tied or restrained; or
- b) open a gate, door or other opening in a fence or enclosure in which an Animal is confined, thereby permitting an Animal to be At Large.

6.5 An “Owner” is guilty of an offence under this Bylaw if their Animal:

- a) is “At Large”;
- b) barks, howls or otherwise makes such noise as to disturb the quiet or repose of any Person;
- c) bites, attacks or threatens any Person or Animal;
- d) chases a Motor Vehicle, bicycle or Person;
- e) chases, kills, attacks, injures, or otherwise harasses other Animals;
- f) causes Damage to Public or Private Property within the Town; or
- g) otherwise constitutes a Public Nuisance.

6.6 Where an Animal has defecated on any private property, public property or other place within the Town other than the property of the Animal's Owner, the Owner shall be required to remove such defecation immediately, and failure to do so constitutes an offence under this Bylaw.



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- 6.7 No owner shall allow an accumulation of Animal defecation/waste to the point that an Enforcement Officer would determine the private property has become unsightly or a possible concern to the Community.
- 6.8 If an Animal is on any public or private property other than the property of its Owner, the Owner shall have in their possession a suitable means of facilitating the removal of the Animal's defecation.
- 6.9 Any Person who interferes with, prohibits, or otherwise impedes an Enforcement Officer in the performance of the Officer's duties under this Bylaw is guilty of an offence.
- 6.10 An Owner of an Animal, which is suffering from a "Communicable Disease":
- a) shall not permit the Animal to be in or on any "outdoor public place";
 - b) shall not permit the Animal to have contact with or be in proximity to any other Animal which is free of such communicable disease;
 - c) shall keep the Animal in a Secure Enclosure or shall otherwise confine and isolate the Animal to prevent further spread of such communicable disease;
 - d) shall immediately report the matter to a Registered Veterinarian; and
 - e) shall adhere to the directions of the Registered Veterinarian.
- 6.11 No Person shall keep, own, harbor, suffer or permit rats within the limits of the Town except in accordance with the Agricultural Pests Act R.S.A. 2000, Chapter A-8, including the regulations thereunder, as may be amended or repealed and replaced from time to time.
- 6.12 No Person shall keep, own, possess or harbor any wild animal within the limits of the Town except in accordance with the Wildlife Act R.S.A. 2000, Chapter W-10, including the regulations thereunder, as may be amended or repealed and replaced from time to time.
- 6.13 No Person shall keep, own, harbor, suffer or permit;
- a) more than three (3) Dogs or Cats over the age of 6 months; or
 - b) more than four (4) rabbits;
 - c) more than two (2) exotic pets,
- to be or remain upon or in any land, house, shelter, room, place building, structure or premises within the Town, unless that Person has complied with those provisions of the Land Use Bylaw governing small animal breeding and boarding establishments and/or veterinary services.



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If, at the time of the coming into force of this Bylaw, any Person is not in compliance with this bylaw the Owner shall have six months from the date of coming into force.

6.14 Continuing Offences

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

7.0 VICIOUS ANIMAL

7.1 No Person shall own or have the physical care, possession or control of a Vicious animal unless that Person is at least 18 years of age and capable of maintaining control of the animal.

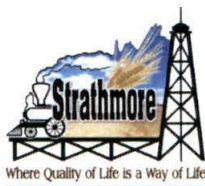
7.2 An Owner of a Vicious Animal shall:

- a) Notify the Town that they own a Vicious Animal;
- b) Ensure that the Animal remains, at all times while on the property of the Owner, confined to a Secure Enclosure;
- c) Ensure that at any time that the Animal is not on the property of the Owner, the Animal is secured to a Restraining Device, including a leash which does not exceed 1.0 meter in length, under the physical control of the Owner or person in possession of the Animal with the Owner's consent;
- d) Ensure that any time that the Animal is not on the property of the Owner, that the Animal is wearing a properly fitted muzzle or bite control restraining device that permits adequate ventilation for the Animal while remaining securely fastened on the Animal;
- e) Ensure that at no time while the Animal is in a Motor Vehicle, the Animal has access to Persons or Animals which are outside the Motor Vehicle, while ensuring that, at all times, the Animal has adequate ventilation and temperature control within the Motor Vehicle;
- f) Ensure that at no time is the Animal transported unsecured in a Motor Vehicle or transported outside of the cab of a Motor Vehicle unless the Animal is being transported in accordance with of this Bylaw;
- g) Provide to the Town proof that a policy of liability insurance is in force and provides third party liability coverage in a form satisfactory to the Town and with a minimum coverage amount of \$2,000,000.00 for any injuries or damage to public / private property which may be caused by the Animal;



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- h) Ensures that the insurance policy contains a provision requiring the insurer to immediately notify the Town in writing in the event that the policy expires, is cancelled or is terminated;
 - i) Prominently displays at the front and rear entrances to the Owner's property an appropriate sign stating that there is a vicious animal, on the property; and
 - j) Signage will be posted and approved to the satisfaction of an Enforcement Officer.
- 7.3 If an Owner has any reason to believe that his/her Animal may be Vicious, he/she shall keep the Animal in accordance with the provisions of this Section unless and until an Enforcement Officer has determined that the Animal is not Vicious Dog and has so advised the Owner in writing.
- 7.4 If the Enforcement Officer has reasonable grounds to believe that an Animal is Vicious, either through personal observation or after an investigation initiated by a complaint about the Animal, the Enforcement Officer may, in writing:
- a) notify the Owner that the Animal is deemed to be Vicious; and
 - b) require the Owner to comply with all provisions of this Bylaw with respect to a Vicious Animal immediately.
- 7.5 A Notice shall include a summary of the applicable Bylaw provisions governing Vicious Animals.
- 7.6 Notice given will be deemed served upon actual personal service of the Notice upon the Owner or after five (5) days from mailing via regular mail to the Owner's address as it appears on the Town's tax roll.
- 7.7 A Person who has been served with a Notice may appeal the Notice by filing a written notice of appeal with the Chief Administrative Officer or designate within seven (7) days of being served with the Notice. The appeal will be heard within 30 days of receiving the notice of appeal.
- 7.8 Until such time as the CAO hears and upholds the appeal, the Animal must be treated in accordance with the Vicious Animal provisions under this Bylaw.
- 7.9 Within three (3) days of an Animal being declared Vicious under this Bylaw, the Owner of the Vicious Animal shall have a Registered Veterinarian tattoo or implant an electronic identification microchip in the Animal. The Owner of the Vicious Animal shall provide a copy of this information to the Town prior to a Vicious Animal License being issued under this Bylaw.
- 7.10 If an Animal is declared to be Vicious, the Owner of the Vicious Animal shall apply for a Vicious Animal License under this Bylaw within seven (7) days of the Animal being declared Vicious.



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- 7.11 Where the Owner of a Vicious Animal is guilty of an offence under this Bylaw, the minimum penalties for Vicious Animals set out in Schedule "A" shall apply.
- 7.12 Nothing contained within this Bylaw shall prevent the Town from making application to the Court for an Order to destroy an Animal in accordance with the Dangerous Dogs Act, R.S.A. 2000, Chapter D-3 or taking such other steps with respect to the seizure, impoundment, control or destruction of an Animal as may be available to the Town bylaw.
- 7.13 The Owner of a Vicious Animal shall immediately advise an Enforcement Officer if the Vicious Animal is sold, gifted, transferred or dies.

8.0 LICENSING

- 8.1 Except as otherwise provided in this Bylaw, no Person shall own, keep, suffer or harbour any Animal within the Town limits unless that Animal has a valid License or Vicious Animal License, as the case may be, issued in accordance with this Bylaw:
- a) an Owner of an Animal shall apply annually on or before the first business day after January 1 of each year for a License for each Animal over the age of 6 months which they own;
 - b) if, after the first business day after January 1 of each year, a Person becomes an Owner of an Animal over the age of 6 months, that Person shall apply for a License within one (1) business day of becoming an Owner of the Animal;
 - c) if, after the first business day after January 1 of each year, an Owner of an Animal over the age of 6 months becomes a resident of the Town, that Owner shall apply for an Animal License within one (1) business day of becoming a resident in the Town;
 - d) an Owner of a Vicious Animal shall apply annually on or before the first business day after January 1 of each year for a Vicious Animal License for each Vicious Animal which they own.
 - e) if, after the first business day after January 1 of each year, a Person becomes an Owner of a Vicious Animal, that Person shall apply for a Vicious Animal License within one (1) business day of becoming an Owner of the Vicious Animal.
 - f) if, after the first business day after January 1 of each year, an Owner of a Vicious Animal becomes a resident of the Town, that Owner shall apply for a Vicious Animal License within one (1) business day of becoming a resident in the Town.
- 8.2 Every application for an Animal License or Vicious Animal License shall be accompanied by the applicable license fee as set out in the Fee, Rates and Fines Bylaw, as amended.

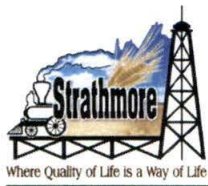


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- 8.3 Every Owner, when requested by an Enforcement Officer, shall submit to the Town a spay/neuter certificate or if such a certificate is unavailable, a statutory declaration or other acceptable documentation, establishing the animal's age or that the animal is neutered or spayed and such other information as the Enforcement Officer may require in order to determine the license fee payable.
- 8.4 Where an animal under the age of 6 months is found At Large, the Enforcement Officer may, in addition to any fines or penalties that may be applicable, require the Owner of the animal to purchase a License or Vicious Animal License for the animal.
- 8.5 The Owner shall ensure that any animal owned by him/her is wearing the License issued by the Town, which License is to be securely fastened on the animal's collar or with the owner any time the animal is off the Owner's property.
- 8.6 If an animal License or Vicious Animal License is lost, the Owner of the Animal shall, apply for a replacement License within one (1) business day and upon the Owner presenting proof of payment for the current year's license to the Town, a new license shall be issued to the Owner for the fee set out in Fees, Rates and Fines Bylaw, as amended.
- 8.7 No Owner shall transfer or allow to be transferred a License or Vicious Animal License from the animal for which the license was assigned or purchased to any other Animal.
- 8.8 No Person shall be entitled to a rebate or refund of a fee paid for the issuance of a License or Vicious Animal License under this Bylaw.
- 8.9 No Person shall give false information when applying for an Animal License or a Vicious Animal License.
- 8.10 Service Dogs and Police Dogs, which are in active service, are exempt from this Section.

9.0 ANIMALS IN TRUCKS AND MOTOR VEHICLES

- 9.1 No Person shall allow an Animal to be outside the passenger cab of a Motor Vehicle on a roadway, regardless of whether the Motor Vehicle is moving or parked.
- 9.2 A Person may allow an Animal to be outside the passenger cab of a Motor Vehicle, including riding in the back of a pick-up truck or a flatbed truck, if the Animal is:
- a) in a fully enclosed trailer;
 - b) in a topper enclosing the bed area of the truck;
 - c) contained in a ventilated kennel or similar device securely fastened to the bed of the truck.



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- 9.3 For the purpose of this Section, “roadway” means any street, highway or parking lot area whether publicly or privately owned, where the public is ordinarily entitled or permitted to use for the passage or parking of Motor Vehicles.
- 9.4 The owner of a Motor Vehicle involved in an offence under this Section is guilty of the offence unless:
- a) the owner of the Motor Vehicle was not operating the Motor Vehicle at the time of the offence,
 - b) the individual operating the Motor Vehicle at the time of the offence was operating the Motor Vehicle without the owner’s express or implied consent.

10.0 POWERS OF AN ENFORCEMENT OFFICER

- 10.1 An Enforcement Officer is authorized to:
- a) capture and impound in an authorized Animal Shelter any Animal in respect of which the Enforcement Officer reasonably believes an offence under this Bylaw is being or has been committed.
 - b) enter onto any land in pursuit of any Animal which has been observed Running At Large in order to capture such Animal.
 - c) take any reasonable measure necessary to subdue any Animal, including the use of tranquilizer equipment.
 - d) if an Animal is in distress, whether or not as a result of enforcement actions taken pursuant to this Bylaw, the Enforcement Officer may take the Animal to a Registered Veterinarian for treatment. Once treated, the Animal shall be transferred to the Animal Shelter.
- 10.2 All costs and expenses incurred by the Town as a result of veterinary treatment shall be recoverable from the Owner of the Animal as a lawful debt owed to the Town.
- 10.3 Animals impounded in the Animal Shelter may be kept for a period of at least 72 hours. In the calculation of the 72-hour period, Sundays, Statutory Holidays and days that the Animal Shelter is not open shall not be included.
- 10.4 Where an Animal that has been impounded bears obvious identification tattoos, brands, marks, tags or licenses, the Animal may be kept by the Animal Shelter a minimum of 10 days from the date the Animal was impounded. In the calculation of the 10-day period, Sundays, Statutory Holidays and days that the Animal Shelter is not open shall not be included.



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- 10.5 Where the Owner of an Animal has been notified that the Animal has been impounded, the Animal may be kept by the Animal Shelter a minimum of 5 days from the date that the Owner was served with such notice. In the calculation of the 5-day period, Sundays, Statutory Holidays and days that the Animal Shelter is not open shall not be included.
- 10.6 If the Enforcement Officer knows or can ascertain the name of the Owner of any impounded Animal, they shall, within 48 hours of ascertaining the name of the Owner, serve the Owner a notice either personally or by leaving it at the Owner's property, or by mailing such notice to the last known address of the Owner.
- a) The Owner to whom such a notice is mailed under this Section is deemed to have received the notice within forty-eight (48) hours from the time that the notice is mailed.
- 10.7 The Animal may be redeemed by its Owner, except as otherwise provided in this Bylaw, upon payment to the Town:
- a) the cost of impoundment calculated in accordance with the fees specified in the Fees, Rates and Fines Bylaw, Schedule 'A'; and
- b) the cost of any veterinary treatment provided in respect of the Animal pursuant to this Bylaw, or the Animal Protection Act, R.S.A. 2000, Chapter A-41, as amended, or repealed and replaced from time to time.
- 10.8 The Owner shall be required to provide proof of ownership of the Animal at the time of redeeming the Animal.
- 10.9 Where an Animal has been captured and impounded by an Enforcement Officer as a result of the animal biting or causing a serious wound to a Person or other animal, the Animal shall remain impounded until such time as the Enforcement Officer is satisfied, in their sole discretion, that the Animal does not pose a danger to public safety.
- 10.10 Where the Owner of the animal has been served with notice of impoundment and has advised the Town within 5 days of being served with such notice that they want to redeem the Animal then within 10 days of receiving notice from the Owner that they want to redeem the animal, the Enforcement Officer must
- a) make application to the Courts for an Order under the Dangerous Dog Act, which application may include seeking an Interim Order that the Animal remain impounded for a specified period of time, or
- b) release the Animal to the Owner on whatever conditions that the Enforcement Officer, in their sole discretion, deems appropriate.
- 10.11 In the calculation of the 10-day period, Sundays, Statutory Holidays and days that the Courts are not open shall not be included.



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- 10.12 At the expiration of the time period established the Senior Enforcement Officer or designate is authorized to:
- a) offer the Animal for sale or as a gift;
 - b) forfeit the animal to a recognized organization;
 - c) destroy the Animal in a humane manner;
 - d) allow the Animal to be redeemed by its Owner in accordance with the provisions above;
or
 - e) continue to impound the Animal for an indefinite period of time or for such further period of time as the Enforcement Officer, in his or her discretion, may decide.
- 10.13 Proceeds of the sale of an Animal shall be distributed in accordance with the priorities set by the Animal Protection Act.
- 10.14 The Town, its officials, officers, employees and agents, shall not be liable for any injury or death caused to an Animal arising in connection with the capture and or impoundment of such Animal pursuant to this Bylaw.

11.0 PENALTIES

- 11.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to a penalty not less than the minimum penalty set out in Schedule 'B' herein.
- 11.2 Notwithstanding Section 11.1 of this Bylaw, any Person who commits a second or subsequent offence under this Bylaw within one (1) year of committing a first offence under this Bylaw, will be liable to not less than double the minimum penalty as set out in the Fees, Rates and Fines Bylaw.
- 11.3 In addition to the penalties provided in this section a Provincial Judge may, if they consider the offence to be sufficiently serious, may direct or order the person who owns, keeps, maintains, or harbors a vicious animal, to prevent such animal from doing mischief or causing a disturbance or a nuisance complained of, to pay such restitution as necessary to a party deemed to be affected by a breach of this Bylaw, or to have the animal removed from the Town, or to have the animal destroyed.

12.0 VIOLATION TAGS AND VIOLATION TICKETS

- 12.1 An Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any Person whom the Enforcement Officer has reasonable grounds to believe has contravened or is responsible for a contravention of any provision of this Bylaw.



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- 12.2 A Violation Tag issued pursuant to this Bylaw shall be in a form approved by the CAO or designate and may be delivered to the Person reasonably believed to have contravened this Bylaw by means of personal delivery or by mailing a copy to the Person as his/her last known post office address.
- 12.3 Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town, the penalty specified on the Violation Tag.
- 12.4 Where a Violation Tag has been issued and the specified penalty not paid within the prescribed time indicated on the Violation Tag, the Enforcement Officer is authorized to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act*, R.S.A. 2000, Chapter P-34, as amended or repealed and replaced from time to time, to any person that the Enforcement Officer has reasonable grounds to believe has contravened a provision of this Bylaw.
- 12.5 An Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any Person whom the Enforcement Officer has reasonable grounds to believe has contravened or is responsible for a contravention of any provision of this Bylaw regardless of whether a Violation Tag has first been issued. Nothing in this Bylaw shall prevent an Enforcement Officer from immediately issuing a Violation Ticket.
- 12.6 A Person to whom a Violation Ticket is issued pursuant to this Bylaw may, in accordance with the *Provincial Offences Procedure Act*, elect to plead guilty and make a voluntary payment of the specified penalty indicated on the Violation Ticket on or before the initial appearance date indicated on the Violation Ticket.

13.0 GENERAL PROVISIONS

- 13.1 Should any provision of this Bylaw be determined invalid, then the invalid provision shall be severed, and the remaining Bylaw shall be maintained.

13.2 Powers of an Enforcement Officer

- 13.2.1 An Enforcement Officer may pursue any and all remedies set out in this Bylaw, the *Municipal Government Act* and any other law in the Province of Alberta. Nothing in this Bylaw shall restrict, limit or preclude the Town from taking multiple steps to regulate animals in the Town.
- 13.2.2 No person shall obstruct, hinder or impede any Enforcement Officer, designated officer, or Town employee, contractor or agent in the exercise of any of their powers or duties under this Bylaw.



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13.3 Powers of Chief Administrative Officer

Without restricting any other power, duty or function granted by this Bylaw, the Chief Administrative Officer or designate may:

- a) establish investigation and enforcement procedures for the purposes of this Bylaw;
- b) establish forms for the purposes of this Bylaw;
- c) delegate any powers, duties or functions under this Bylaw to an employee of the Town.

13.4 Vicarious Liability

For the purposes of this Bylaw, an act or omission by an employee or agent of a person is deemed also to be an act or omission of the person if the act or omission occurred in the course of the employee's employment with the person, or in the course of the agent's exercising the powers or performing the duties on behalf of the person under their agency relationship.

13.4 Strict Liability Offence

An offence under this Bylaw is a strict liability offence.

13.5 The following bylaws and all amendments thereto are hereby repealed:

Bylaw No. 05-15 - Animal Control Bylaw
Bylaw No. 95-18 - Cat Bylaw
Bylaw No. 10-33 - To Amend Animal Control Bylaw
Bylaw No. 14-21 - To Amend Animal Control Bylaw

The Responsible Animal Control Bylaw No. 18-18 shall come into effect upon third and final reading thereof.

READ A FIRST TIME this third day of April 2019

READ A SECOND TIME this third day of April 2019

READ A THIRD TIME and finally passed this third day of April 2019

Mayor

Chief Administrative Officer

Elected Official Initial

PA



Schedule 'A'
Support and Exotic Animals

PART 1 - SUPPORT ANIMALS (as defined in Section 2.1 kk) - *Support Animals*)

- 1.1 Any Person that keeps such animals as a '**support animal**', the owner must provide the following documentation:
- a) a letter from a Canadian Authority qualifying the animal as an emotional support animal; and
 - b) a letter from a licensed Medical Doctor indicating the individuals need for an emotional support animal;
 - c) in a case where an emotional support animal is not a typical domesticated pet such as a dog or cat the following additional requirements must be met:
 - i. no owner shall allow or permit the animal to be at large or to trespass on public or private property, apart from on the private premises of the owner;
 - ii. the support animal must be licensed annually, and the tag must be worn by the animal or with the owner at all times the animal is outdoors excluding private premises;
 - iii. The owner shall provide health documentation from a licensed accredited veterinarian annually,
 - iv. the support animal must be inoculated annually, which includes all required vaccinations as prescribed by a licensed accredited veterinarian;
 - v. the residence where the support animal resides must have adequate fencing, and the fencing shall be approved by the Town of Strathmore as a condition of approval for licensing;
 - vi. in the case of a pot-bellied pig, tusks must be kept filed to an appropriate length to ensure public safety, as determined by a trained certified professional; and
 - vii. in the event that the support animal creates a nuisance by way of odor or noise, or causes the premises to become unsightly, or has become detrimental to the amenities or enjoyment of the neighborhood, the Town shall have the option to revoke the License at any time, and the animal shall be removed within 72 hours of notice being given to the owner.



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PART 2 - EXOTIC ANIMALS (as defined in Section 2.1 (q) - *Exotic Animals*)

2.1 Any Person that keeps such animals as defined in the Responsible Animal Control Bylaw No. 18-18 as an **exotic animal**, the owner must provide the following documentation:

- a) Certification from an internationally recognized professional breeding association; and
- b) in all cases of exotic animal ownership, the following additional requirements must be met:
 - i. all exotic animals must be registered, and no owner shall allow or permit the exotic animal to be at large or to trespass on public or private property, apart from on the private premises of the owner;
 - ii. exotic animals must be licensed annually, and the tag must be worn by the animal or with the owner at all times the animal is outdoors excluding private premises;
 - iii. no owner of an exotic animal shall own or allow more than two (2) exotic animals on the premises at any time;
 - iv. the owner shall provide health documentation from a licensed accredited veterinarian annually;
 - v. the support animal must be inoculated annually, which includes all required vaccinations as prescribed by a licensed accredited veterinarian;
 - vi. the resident will provide annually, signed letters from all contiguous neighbors acknowledging their awareness of the exotic animal;
 - vii. the residence where the exotic animal resides must have adequate fencing, and the fencing shall be approved by the Town of Strathmore as a condition of approval for licensing;
 - viii. in the case of a pot-bellied pig, tusks must be kept filed to an appropriate length to ensure public safety, as determined by a trained certified professional;
 - ix. in the event that the exotic animal creates a nuisance by way of odor or noise, or causes the premises to become unsightly, or has become detrimental to the amenities or enjoyment of the neighborhood, the Town shall have the option to revoke the License at any time, and the animal shall be removed within 72 hours of notice being given to the owner.



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PART 3 - ENFORCEMENT

- 3.1 At any reasonable time, the License Authority or an Enforcement Officer may enter any property in order to ascertain whether or not the provisions of this Bylaw are being observed.
- 3.2 A person who contravenes any provision of this Bylaw is guilty of an offence.
- 3.3 A person who is guilty of an offence under this bylaw is liable to a fine as stated in the Fees, Rates and Fines Bylaw No. 13-21, as amended.



Schedule 'B' - Urban Beekeeping

PART 1 - DEFINITIONS FOR URBAN BEEKEEPING

- 1.1 **Act** means the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended.
- 1.2 **Adjacent Neighbours** means a site that is contiguous to another site along a common property line. An adjacent site includes a site that is adjacent across a rear lane, but not across a street.
- 1.3 **Animal Health Act** means the Animal Health Act, SA 2007, Chapter A-40.2, and any amending or succeeding legislation, and associated regulations.
- 1.4 **Bee** means the insect *Apis mellifera* L., also known as honey bees.
- 1.5 **Bee Act** means the Bee Act, RSA 2000, Chapter B-2, and any amending or succeeding legislation, and association regulations.
- 1.6 **Beekeeper** means a person who owns and possesses bees or beekeeping equipment or both.
- 1.7 **Hive** means beekeeping equipment inhabited by live honey bees.
- 1.8 **Provincial Apiculturist** means the individual designated at the Provincial Apiculturist in accordance with the Bee Act.
- 1.9 **Super** means a bee hive box which holds bee hive frames used for storing brood or storing honey.

PART 2 - URBAN BEEKEEPING LICENSE

Requirements for License

- 2.1 This bylaw enables urban beekeeping as urban agriculture and no person shall own or keep Bees unless property licensed in accordance with this Bylaw.
- 2.2 An Urban Beekeeping License may not be issued to an individual under the age of eighteen (18) years.

Urban Beekeeping License Application and Information

- 2.3 Before the issuance or renewal of a license pursuant to this part, the owner of the Hive must submit the following information to the Licensing Authority:
- a) a completed Urban Beekeeping License Application Form;



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- b) the license fee prescribed in the Town of Strathmore Fees Bylaw;
 - c) the name, address, and contact information of the Beekeeper;
 - d) written permission from the registered property owner to install Hives on the property, where the beekeeper is not the registered owner;
 - e) written permission from the authorized property leaseholder or license holder to install Hives on property, where the beekeeper is not the authorized leaseholder or license holder of the property;
 - f) a site plan which shows the Hive location on the property, and associated setbacks if there is no solid fence or hedge and/or the property is adjacent to a Pedestrian Walkway;
 - g) proof of success in beekeeping training from an accepted beekeeping course;
 - h) for first year beekeepers, proof of support and assistance of an accepted mentor;
 - i) a disease and swarm control plan; and
 - j) proof of certificate of registration with the provincial apiculturist every year by June 30.
- 2.4 The Licensing Authority may require additional information in addition to the requirements in 2.3 above.
- 2.5 Notwithstanding 2.4 above, at the time of application for an Urban Beekeeping License, the applicant must submit to the Licensing Authority proof that Adjacent Neighbors have been notified of the proposed installation of Hive(s) on the subject property.
- 2.6 The owner of the Hive(s) must submit any relevant updates to the information required in Part 2 – Urban Beekeeping License to the Licensing Authority.
- 2.7 An Urban Beekeeping License is required for each property that has a Hive.
- 2.8 Urban Beekeeping Licenses are valid for one (1) year following the date of issuance.
- 2.9 No person shall give false information when applying for urban beekeeping pursuant to this Urban Beekeeping Bylaw.
- 2.10 The Licensing Authority may refuse an application for an Urban Beekeeping License or may revoke an Urban Beekeeping License by providing written notice to the licensee or applicant.



PART 3 - RESPONSIBILITIES OF THE BEEKEEPER

- 3.1 Beekeepers must comply with the Bee Act and the Animal Health Act.
- 3.2 Beekeepers, or the owner of any lands on which the Bees are kept, must ensure:
- a) good practices and maintenance to prevent swarming, aggressive behavior, and disease; and
 - b) that adequate water is provided at all times for the Bees to deter the Bees from seeking water from alternate sources.

PART 4 - URBAN BEEKEEPING GENERAL REGULATIONS

- 4.1 Urban beekeeping on municipal reserve lands, parks, or open spaces occupied or managed by the Town of Strathmore is not permitted under this Bylaw.
- 4.2 Notwithstanding 4.1 above, applications to keep Bees may be considered for open spaces that are occupied or managed by the Town, subject to permission from any current lessee and the Town.
- 4.3 This Bylaw applies to the activity of beekeeping for personal use only. A Business License is required for the commercial sale of bee products.
- 4.4 This Bylaw does not relieve a person from complying with any Federal or Provincial law or regulation, other Town of Strathmore Bylaw, or any requirement of any lawful permit, order, or license.

PART 5 - HIVE REQUIREMENTS FOR URBAN BEEKEEPING

General Hive Requirements for Urban Beekeeping

- 5.1 A Hive must include a bottom board and a Hive cover.
- 5.2 A maximum of four (4) Supers are permitted per Hive.
- 5.3 Hives are restricted to the rear yard of a property or parcel.
- 5.4 Hive entrances are to be directed away from adjoining properties.
- 5.5 At the time of application for an Urban Beekeeping License, the applicant must submit to the Licensing Authority proof that Adjacent Neighbours have been notified of the proposed installation of Hive(s) on the subject property.



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- 5.6 Beekeeping sites must be located at least twenty-five (25) metres from any public place, including, but not limited to, schools, playgrounds, or sports fields, measured from the center of the top of the hive to the parcel containing the use.
- 5.6 Hives are to be located:
- a) a minimum of three (3) metres from all property lines; or
 - b) within a rear yard enclosed by a solid fence or hedge a minimum of 1.5 metres in height.
- 5.7 Hives on parcels located adjacent to Pedestrian Walkways must be located a minimum of three (3) metres from the property line adjacent to the Pedestrian Walkway and within a rear yard enclosed by a solid fence or hedge a minimum of 1.5 metres in height.

Hives Located on Residential Parcels

- 5.8 A maximum of two (2) Hives are permitted on one (1) parcel of residential land.

Hives Located on Non-Residential Parcels

- 5.9 A maximum of two (2) Hives are permitted on one (1) parcel of non-residential land, subject to Section 4.1 and 4.2 above.
- 5.10 At the discretion of the Director, a maximum number of four (4) Hives are permitted on one (1) parcel of non-residential land, if the parcel is equal to or greater than 1000 m² in size.
- 5.11 At the discretion of the Director, the number of Hives on Town owned land may exceed the maximum number of Hives for non-residential parcels of land.

PART 6 - ENFORCEMENT

- 6.1 At any reasonable time, the License Authority or a Bylaw Enforcement Officer may enter any property in order to ascertain whether or not the provisions of this Bylaw are being observed.
- 6.2 Should a beekeeping site, Hive, or Beekeeper be found to be non-compliant with this schedule at any time, the Urban Beekeeping License may be revoked. Should any Hives and Bees need to be relocated, all costs and associated expenditures related to the removal are of responsibility of the property owner.
- 6.3 A person who contravenes any provision of this Bylaw is guilty of an offence.
- 6.4 A person who is guilty of an offence under this bylaw is liable to a fine as stated in the Fees, Rates and Fines Bylaw No. 13-21, as amended.