



**Town of Bowden**  
**Box 338, 2101 20<sup>th</sup> Ave**  
**Bowden, Alberta, T0M 0K0**

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**Town of Bowden – Province of Alberta**  
**ANIMAL OWNERSHIP, LICENSING & CONTROL BYLAW**  
**06 / 2022**

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**Whereas** the Municipal Government Act, RSA2000, Chapter M-26 provides that Council may pass bylaws for municipal purposes respecting the following matters:

- i. safety, health and welfare of people, and the protection of people & property,
- ii. people, activities, and things in, on or near a public place or place that is open to the public,
- iii. nuisance, including unsightly premises,
- iv. wild and domestic animals and activities associated with them.

**And whereas** the Municipal Government Act authorizes a municipality to pass enactments that:

- i. provide for the enforcement of bylaws,
- ii. impose penalties, fees, and charges,
- iii. allow for the remedying of contraventions of bylaws,
- iv. provide for inspections to determine if bylaws are being complied with,
- v. provide for a system of licences, permits or approvals (including the imposition of terms and conditions that must be satisfied in order to receive or keep such licences, permits or approvals).

**And whereas** it is deemed expedient and desirable for the Town of Bowden to regulate and license animals and animal activity within the Municipality:

**Now therefore**, the Municipal Council of the Town of Bowden hereby enacts as follows:

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### **1 SHORT TITLE**

This Bylaw may be known as, and cited as, the “Animal Bylaw”.

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### **2 PURPOSE**

To provide and establish by Bylaw, regulations for the control of animals and activities associated with them.

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### **3 DEFINITIONS**

In this Bylaw (and the attached schedules) the following definitions apply:

#### **Acceptable**

Means a satisfactory, or socially agreeable requirement or standard.

#### **Adjoining Neighbour**

Means an owner or occupant of a property that is contiguous to a subject property along a common property line (and may include any property close by or across a street).

Where the subject property is located on a corner lot, an adjoining neighbour includes an owner or occupant of property that is adjacent to the subject property across a lane or alleyway.

**Aggressive Animal**

Means any animal that unduly intimidates a person or another animal and includes snarling, growling, or pursuing a person or another animal in a threatening manner.

**Animal**

Means any living organism or species (specifically excluding human beings).

**Animal Shelter**

Means any premise or organization or veterinary practice designated by the Town for the impoundment and care of animals and may include the premises of a person hired or contracted by the Town to enforce the provisions of this bylaw.

**Animal Waste**

Means excrement, urine, and includes any other waste material accumulated as a result of animal ownership.

**Animal Nuisance**

Means any activity that is either not acceptable or excessive with respect to the keeping of an animal or anything as a by-product of keeping an animal that has, or might be, detrimental to another person or property, including but not limited to:

- a) noise or smell,
- b) trespass,
- c) damage,
- d) threat to public health and safety,
- e) accumulation of animal waste,
- f) accumulation of material contaminated by animal waste,
- g) disposal of animal waste,
- h) disposal of material contaminated by animal waste,
- i) disposal of animal flesh, carcasses, or internal organs,
- j) lack of adequate containment or shelter.

**At Large**

Means an animal (typically a dog) that is not restrained on a leash, except:

- a) when the animal is fully contained within a private property with the consent of the property owner,
- b) when the animal is fully under the control of the animal owner within a designated off leash area,
- c) where the animal is participating in a Town approved or organized show, parade or competition and is under the control of a Competent Person.

**Attack**

Means any application of force by an animal that causes physical or mental injury (minor or severe) to another animal or human being that results in, including but not limited to, bleeding, bruising, tearing of skin or any other injury that is disfiguring or debilitating.

**Bite**

Means an injury by teeth, including but not limited to, bleeding, bruising, tearing, puncture of skin or any other injury that is disfiguring or debilitating.



**CAO (Chief Administrative Officer)**

Is the person appointed by Council into the position of Chief Administrative Officer for the Town of Bowden in accordance with the MGA and is the administrative head of the Municipality (and includes any person given designated responsibilities by the CAO).

**Cat**

Means the domestic species of the Felidae family irrespective of age or sex and excludes feral or unowned cats and “controlled animals” as defined in the Alberta Government Wildlife Regulation, as “cat like animals”, (eg: lynx, leopard, or wildcat).

**Competent Person**

Means a person who has the necessary ability, knowledge, training, or authority to restrain, control or impound animals (including wildlife, domestic household pets, or livestock).

This includes:

- a) any capable person appointed by the CAO,
- b) a Bylaw Enforcement Officer,
- c) an Inspector appointed by a Minister with responsibilities defined or authorized under enactment,
- d) any person by virtue of appointment to another office, including but not limited to: RCMP Officers, a Peace Officer, (contracted or otherwise), a Sheriff or a Fish & Wildlife Officer,
- e) an Animal Control Officer,
- f) a veterinarian.

**Council**

Means the duly elected Municipal Council of the Town of Bowden.

**Damage**

Means animal related destruction to either property or personal effects, including defecating and urinating.

**Dangerous (or Vicious) Animal**

Means any animal that:

- a) displays aggressive behaviour towards a person or another animal,
- b) has a known propensity, tendency, or disposition to pursue, harass, attack, or injure without provocation a person or another animal,
- c) causes actual injury to a person or another animal,
- a) causes damage to public or private property,
- b) has a demonstrated history of aggressively pursuing, harassing, attacking, or injuring a person or another animal,
- c) has been previously deemed to be a dangerous or vicious animal, by a Competent Person, under this or any previous bylaw or order or enactment,
- d) is declared by a court to be a dangerous dog under the Dangerous Dog Act.

This definition applies whether the animal is, on public property or private property, is leashed or running at large, or is caged or uncaged.

**Designated Officer**

Means a person to whom the CAO has delegated powers, duties or functions as permitted under the authority of the MGA or any other person with powers enabled under any other order or enactment, including but not limited to:

- a) any person appointed by the Town as a Bylaw Enforcement Officer,

- b) a Red Deer County Inspector or Officer empowered under an intermunicipal collaboration agreement,
- c) any Inspector appointed by a Minister with responsibilities defined or authorized under enactment,
- d) any person by virtue of appointment to another office, including but not limited to, RCMP Officers, Customs & Excise Officers, a Peace Officer (contracted or otherwise), a Sheriff or Fish & Wildlife Officer.

**Dog**

Means a domestic dog of the species, *canis familiaris*, irrespective of age or sex, excluding all “controlled animals” as defined in the Alberta Government Wildlife Regulation, as “dog like animals”, (eg: wild dogs, wolves, and jackals).

**Domesticated Household Pet**

Means an animal that is tame and fit for an indoor, domestic, human environment.

**Excessive**

Means an amount too great to be considered reasonable or acceptable, ie: exceeding what is usual, proper, necessary, or normal.

**Foster Dog**

Means a homeless dog (typically sourced from an animal rescue group) that is temporarily given a foster home by a resident without a commitment for long term ownership (adoption).

**Hobby Licence**

Means a license issued by the Town for the keeping or breeding of more than three dogs, in a private residential property where the owner is not in possession of a valid business license for the breeding or keeping of dogs as a commercial business.

**Impound**

Means to take possession of, take into custody, and / or arrange for the lodging and caring of an animal at a facility determined by a Competent Person or Designated Officer.

**Identification**

Means an identifying collar or tag, or a valid licence tag issued by the Town, a traceable tattoo, or a traceable microchip or other permanent means of identification.

**Leash (leashed)**

Means a chain or other device capable of humanely controlling or restraining the activity of an animal.

**Licensed Animal**

Means an animal that requires a valid licence issued under enactment, regulation, order, bylaw, or policy made either by the Town, or another authority.

**License Tag**

Means a form of identification (typically a medallion) issued by the Town on payment of a licence fee.

**Livestock**

Means any animal that is normally bred or farmed for food, fur, resale, breeding, recreational, and agricultural purposes, and excludes domesticated household pets.

**MGA**

Means the Municipal Government Act, RSA2000, Chapter M-26 (as amended over time).



**Municipality**

Means the Town of Bowden.

**Noise**

Means sound, which in the opinion of the CAO or a Designated Officer of the Town, with regard to all contributing factors and circumstances including the time of day and the nature of the activity generating the sound, is likely to unreasonably annoy or disturb a person(s) or to injure, endanger or detract from the comfort, health, peace, or safety of other persons within the Town.

**Nuisance Animal**

Means an animal which in the opinion of the CAO, or a Designated Officer of the Town is, or could reasonably be expected to be, annoying, troublesome, destructive, harmful, or injurious to another animal or person and / or property.

**Occupant**

A person (other than an owner) occupying or exercising control over, or having right to occupy or exercise control over, land or property or buildings either as a tenant or lessee for the purpose of residential or commercial activity under agreement with the owner of the land or property or buildings.

**Owner (of an animal)**

Means a person (actual or presumed) who:

- a) has legal title to an animal,
- b) is the person to whom a license (Licensed Animal) has been issued,
- c) harbours or has possession, control, care, or custody over an animal,
- d) is the person who permits an animal to remain on or about a property or premise,
- e) where the owner is a minor, the person who is the legal guardian or has custody of the minor.

**Off Leash Area**

Means an area established by resolution of Council, as being an area where a domestic household pet, (typically a dog) that is under the control of an animal owner, is permitted to be off a leash.

**Person**

A person occupying or exercising control over, or having right to occupy or exercise control over, land or property or buildings or an animal or a vehicle and includes:

- a) an individual (resident / non-resident or visitor),
- b) a legal entity or business entity, including a firm, developer, contractor, association, partnership, society, or corporation,
- c) unless the context otherwise requires, this does not include the Town.

**Poultry (or Fowl)**

Means any bird (domesticated hens, poultry, game fowl or wild fowl), including but not limited to, hens, pullets, chickens, cockerels, roosters, capons, turkeys, ducks, geese, pheasants, partridges, guineafowl, peafowl.

**Premise**

Means any building or structure or any part of portion of a building or structure, including any land used in connection with that building or structure for the purposes of:

- a) providing parking for vehicles,
- b) displaying or storing vehicles, equipment, animals, or other articles or things,
- c) carrying out activities that are ancillary to the activities carried in or on that building or structure.

**Property**

Means:

- a) any public or private land,
  - b) any building or structure (either residential or non-residential / occupied or unoccupied),
  - c) both or part of a) & b),
- situated within the Municipality.

**Provincial Offences Procedure Act**

Means the Provincial Offences Procedure Act, RSA2000, Chapter P-34 (as amended over time).

**Public Property (or Place or Land)**

Means any place within the Town to which the public may have either express or implied public access including, but not limited to, a highway, street, road, trail, lane, alley, sidewalk, boulevard, school, playing field, park, playground, public building and / or any fixture or object located in a public place.

**Pursuant to**

Means to execute, carry out or investigate an activity in accordance with the requirements of a statute, ruling, policy, order, or request.

**Rates & Fees Bylaw**

A Bylaw passed by the Town to allow Town Administration to set fees, rates, and charges for the provision of services and the enforcement of penalties within the Municipality.

**Red Deer County**

Means the municipal corporation of Red Deer County in the Province of Alberta.

**Reasonable (unreasonable)**

Means not extreme or excessive, a satisfactory or agreeable requirement or standard, or to satisfy the time by which an action must be carried out.

**Reasonably Practicable**

Means fulfilling a legislative or practical obligation in a way that:

- a) is feasible given the circumstances and,
- b) would be considered appropriate by a reasonable person in similar circumstances.

**Remedial Order**

An order to remedy contraventions issued in accordance with section 545 of the MGA.

**Running at Large**

Means:

- a) an animal which is not under the immediate charge and control of the animal owner or a person having custody, care, or control of an animal and which is on public or private property of which the animal owner or that person has no right of occupation.
- b) an animal which is under the control of the owner or a person having custody, care, or control of an animal, which is not secured on a leash,
- c) where a dangerous or vicious animal (typically a dog) is on a property or premises and is not contained within an enclosure or not securely confined within a dwelling or building.

**Service Dog**

Means a dog that is trained as a guide for a disabled person as regulated by the Service Dogs Act RSA2007 Chapter S-7.5.



**Specific Penalty**

Means an amount payable in respect of offences in accordance with this Bylaw.

**Town**

Means the Municipal corporation of the Town of Bowden.

**Unacceptable**

Means a non-satisfactory, or socially agreeable requirement or standard.

**Unsightly Premise**

Means any property or premise, or part of, which displays evidence of a disregard for general maintenance or upkeep as a result of, including but not limited to:

- a) an accumulation of animal waste, or animal material,
- b) an accumulation of material contaminated by animal waste,
- c) an unacceptable containment device or animal shelter
- d) anything which is deemed to have a detrimental or adverse visual impact to an adjoining neighbour, the surrounding area, or anything which may lead to the decline of the market value of another property within the surrounding area.

**Wildlife**

Means any animal defined, administered, protected, or licensed by the Wildlife Act, RSA 2000, Chapter W-10.

**Words (interpretation)**

- a) "may" is to be construed as permissive and empowering,
- b) "must" is to be construed as imperative,
- c) "shall" is to be construed as imperative (mandatory),
- d) "should" is to be construed as recommended,
- e) "including but not limited to" means when listing a number of items, does not limit the bylaw term to only those words or those items listed.

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**4 ANIMAL RESPONSIBILITY (REGULATION & PROHIBITIONS)**

**4.1**

This section of this Bylaw applies to all animals.

**4.2**

The owner of an animal, where required, shall obtain a licence from the Town in accordance with the provisions of this Bylaw, or any other statutory enactment, order, or policy.

**4.3**

The owner of an animal must not allow the animal to:

- i. run at large,
- ii. become aggressive, dangerous, or vicious,
- iii. bite or attack another person, or animal, or damage a property or premise,
- iv. become a nuisance, or make any excessive noise,
- v. act in a manner that unduly disturbs the peace, quiet, or tranquility of persons in the surrounding neighbourhood or the public at large,

**4.4**

The owner of an animal must restrict the animal from defecating on private or public property (other than the property of the animal owner).

If an animal defecates on any public or private property (other than the property of the animal owner, or the property of the person having the custody, care, or control of the animal), the feces shall immediately be removed and disposed of in an acceptable and sanitary manner.

#### **4.5**

The owner of an animal shall not abandon an animal. An animal will be deemed to be abandoned when:

- i. the animal, for whatever reason, is running at large and the owner has not made reasonable attempts to locate or secure the animal,
- ii. the animal is left behind at a premise or neighbourhood after the owner has moved away.

#### **4.6**

No person shall leave an animal inside or on an unattended motor vehicle, whether on public or private property, unless:

- i. there is adequate ventilation and temperature control provided for the health and well-being of the animal, and,
- ii. the animal is restricted and restrained so as to prevent the animal's escape from the vehicle,
- iii. the animal is restricted and restrained so as to prevent access to persons or animals in the immediate vicinity of the vehicle.

#### **4.7**

No person shall allow an animal to be riding outside of the passenger cab of a motor vehicle on a public highway, regardless of whether the motor vehicle is moving or parked, unless the animal is:

- i. in a fully enclosed trailer,
- ii. in a fully enclosed cargo area of the bed of a motor vehicle,
- iii. contained in a ventilated kennel or similar device securely fastened to the cargo bed of the motor vehicle,
- iv. securely tethered in such a manner that the animal cannot jump or be thrown from the motor vehicle, is not in danger of strangulation, and cannot reach beyond the outside edges of the motor vehicle.

#### **4.8**

Every owner of an animal must where disease poses a threat to public safety ensure that the diseased animal does not leave the property of the owner other than for the purpose of a visit to a veterinarian in which case the animal must be transported in a manner so as to ensure that it does not come into contact with another animal or person.

#### **4.9**

An animal left in the care of a resident of Bowden, will after a period of 30 days, become that resident's responsibility (ie: assumed ownership) and that person shall be responsible for all of the provisions of this Bylaw.

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## **5 LICENSING OF DOGS**

### **5.1**

No person shall own or keep a dog over the age of six (6) months within the Town unless the dog is licensed as provided for in this Bylaw.

### **5.2**

A dog owner shall purchase for each calendar year (valid January 1 to December 31) a dog licence from the Town, for each dog owned, at a fee set out in the Town's Rates & Fees Bylaw (Animal Licencing Schedule or this Bylaw).



**5.3**

All licences expire on the December 31, in the calendar year in which the licence was issued.

Fees may be reduced for dogs licensed after July 31, (part year) as set out in the Town's Rates & Fees Bylaw (Animal Licencing Schedule).

**5.4**

**5.4.1**

No person or owner or occupant may have more than three (3) dogs, within a property or premise.

**5.4.2**

Notwithstanding term 5.4.1, where an owner would like to keep more than three (3) dogs within a property / premise the owner must apply for a "hobby licence".

The issue of a "hobby licence" is subject to approval by the CAO and the subsequent payment of a fee as set out in this Bylaw or the Town's Rates & Fees Bylaw).

**5.5**

In addition to the "hobby licence" every dog within a property or premise must be individually licensed (and the relevant licence fee paid, as required, for each dog).

**5.6**

Any person, who at the time of passing of this Bylaw, has more than 3 licensed dogs within a property / premise (and who possesses a valid "hobby licence" for the year 2022) is exempt from the provisions of term 5.4.2 (ie: an application for a "hobby licence" is not required).

An annual renewal of an existing 2022 "hobby licence" in subsequent years is however required, if more than three dogs are continued to be kept by an owner (at the relevant fee rate set for a "hobby licence" as determined by this Bylaw or the Town's Rates & Fees Bylaw).

**5.7**

At the time of purchasing a dog license the owner must declare if the dog is a dangerous animal as defined in this Bylaw.

**5.8**

A licence must be obtained for any dog kept at a property or premise for more than 30 days.

**5.9**

The registered holder of the dog licence must be eighteen (18) years of age.

**5.10**

A replacement licence tag may be obtained, for a fee, as set out in this Bylaw.

**5.11**

The remaining \$ value in part of a valid dog licence is transferable to a new owner or to another dog (in the event of the death of a licensed dog).

**5.12**

A dog licence is not subject to a rebate, if the animal is permanently moved out of Town, or upon death (and not transferred) or following impoundment before the licence expiry date.

**5.13**

A Service Dog must be licensed however is exempt from a licence fee upon presentation of a Service Dog Identification Card (or other applicable / acceptable form or documentation) and upon receiving approval from the CAO or a Designated Officer of the Town.

**5.14**

Where the Town's Rates & Fees Bylaw provides for a reduced fee for a dog that is spayed or neutered the application must be supported by certifying documentation, if requested by the Town.

**5.15**

A dog licence or "hobby licence" may be refused or revoked by the Town if either an individual dog, or a number of dogs collectively, are deemed to be a dangerous / vicious animal or a nuisance animal as determined by the CAO, or by a Designated Officer of the Town.

**5.16**

A dog being trained or under the control of a Competent Person does not require a licence.

**5.17**

No person shall provide incomplete, false, or misleading information that is required for obtaining or maintaining a dog licence.

All relevant information must be provided, or disclosed, as requested by the CAO, or a Designated Officer or employee of the Town, either at the time of application, during the period of licencing, or at the expiry of the licence.

**5.18**

The holder of a dog licence must immediately notify the Town of any change with respect to any information provided for in the application of a licence.

**5.19**

**5.19.1**

The "hobby license" fee is \$50.00 annually and the fee must accompany the application form at the time the application is made.

**5.19.2**

A "hobby license" will be issued at the discretion of the CAO and only after considering appropriate factors, including but not limited to, property size, breed of dog, size of yard, proximity of neighbours etc.

**5.19.3**

An application for a "hobby license" will result in notification being given in writing to adjacent property owners prior to any issue of a "hobby license". There will be a period of notice (typically 30 days) during which adjacent property owners will be able to submit a protest or make an appeal to the CAO.

**5.19.4**

An existing "hobby licence" may be refused or revoked if substantiated complaints are received from adjacent property owners or if the continued granting of a "hobby license" becomes detrimental to other residents in the Town.

**5.20**

A foster owner may keep up to a maximum of two (2) foster dogs, (this can be in addition to any other licenced dogs within that property or premise, but this cannot exceed 6 animals in total pursuant to section 10.3 of this Bylaw).



A foster dog permit (and tag) must be obtained for any foster dog kept at a property or premise for more than 30 days.

There is no permit or licence fee for a foster dog subject to the foster owner providing evidence to the Town of either the foster program or the foster organization.

If a foster dog is "adopted out" the dog must be licensed which is subject to the licence fee applicable at that time.

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## **6 NUISANCE ANIMALS (INCLUDING DOGS).**

### **6.1**

An owner of an animal shall ensure that the animal does not:

- i. attack or bite a person or animal, chase or threaten a person by lunging towards, growling snapping at or by doing anything else that causes that person to fear for his safety while on public or private property except where that person is actually trespassing on the property of the animal owner,
- ii. chase another animal, bicycle, motor vehicle or person,
- iii. cause damage to public or private property,
- iv. run at large or become a nuisance animal (as defined within this Bylaw).

### **6.2**

The owner of a licensed dog shall not allow the dog to leave the property or premise of that person unless the dog is on a leash and is wearing a collar with the current licence tag assigned to the dog, attached to the dog's collar.

### **6.3**

The owner or occupant of a property or premise where one or more animals are kept shall not allow the property or premise to become littered with animal feces so as to negatively impact a neighbouring property (adjoining neighbour) due to odor, visual aesthetics, or health concerns.

### **6.4**

The owner of a dog shall ensure that the dog does not excessively bark, howl, or whine so as to create an unacceptable level of noise or to create a nuisance. In determining what constitutes noise consideration may be given, including but not limited to:

- i. proximity of the property, where the dog resides, to other properties,
- ii. the type, volume and duration of the noise or sound,
- iii. the time of the day or night and day of the week,
- iv. the type of land use of the surrounding area and properties,
- v. whether the noise is deemed to be recurrent, intermittent, or constant,
- vi. what is reasonably practicable,
- vii. any other relevant factor

### **6.5**

Where an animal has been determined to be a nuisance animal, by the CAO, or by a Designated Officer of the Town, the animal owner may receive written notice advising the owner of the requirements of this Bylaw and what corrective action is required.

This may lead to the issue of a violation ticket for either a specific penalty or an unspecified penalty of a variable amount.

## **7 DANGEROUS DOGS**

### **7.1**

Where a dog has been declared by a Court to be dangerous dog under the Dangerous Dogs Act the owner must:

- i. adhere to any requirement or condition of ownership as imposed by the court,
- ii. must inform the Town and license the dog accordingly as a dangerous dog,
- iii. comply with any additional restrictions or conditions imposed by the CAO (as deemed necessary or appropriate in the circumstances).

### **7.2**

Notwithstanding the provisions of term 7.1 any dog declared by the CAO to be a dangerous dog pursuant to this Bylaw will be required to license the dog as such.

Furthermore, the dog will be subject to the special provisions contained within this Bylaw and the owner will be required to comply with any additional restrictions or conditions of ownership imposed by the CAO.

### **7.3**

The owner of a dangerous dog must be at least 18 years of age.

### **7.4**

Where a dog has been declared as being a dangerous dog the owner will be advised of the requirements of this Bylaw through the issue of a written notice.

### **7.5**

A written notice issued pursuant to section 7.4 of this Bylaw may be appealed in writing to the CAO within 10 days of being served with such notice.

### **7.6**

Within two (2) days after the end of the appeal period, if the decision was upheld, the owner shall licence the dog as a dangerous dog with the Town. Failure of the owner to do so may result in the dog being impounded.

### **7.7**

The owner of a dangerous dog shall:

- i. when selling or otherwise giving the dog to a new owner, fully inform the new owner that the dog has been declared a dangerous dog by the Town,
- ii. notify the Town of a change in ownership of the dog or the death of the dog within 3 days of the date of change in ownership or death,
- iii. when becoming a new owner of a dog known to be declared a dangerous dog pursuant to this Bylaw, licence the dog as a dangerous dog with the Town within 3 days of acquiring the dog,
- iv. ensure that the dog always wears a current licence tag or has some other means of permanent identification,
- v. provide written confirmation to the Town from a veterinarian that the dog has been neutered or spayed,
- vi. provide written confirmation to the Town that the owner has obtained a policy of liability insurance specifically covering potential damages for injuries caused by the dog.

### **7.8**

When a dangerous dog is on the premise of the owner, the owner shall ensure that:

- i. the dog is confined indoors, or,
- ii. when the dog is not confined indoors, it is confined in a secure enclosure or other structure that is constructed so as to prevent the escape of the dog from the owner's property or premise.



### **7.9**

A secure enclosure or other structure required pursuant to section 7.8 shall:

- i. meet any requirement as contained in the Town's Land Use Bylaw,
- ii. must be securely fixed or embedded into the ground,
- iii. be located at the rear of the property and must not be within 5 meters of a neighbouring residential dwelling.

### **7.10**

The owner of a dangerous dog must post a clearly visible sign at all points of entry onto the owner's property, or premise where the dangerous dog is being kept, warning other persons that there is a dangerous dog present.

### **7.11**

When a dangerous dog is off the property of the owner, the owner shall ensure that the dog is:

- i. securely muzzled at all times,
- ii. secured in a harness or leash not exceeding 1 meter in length and is of adequate design to control the dog,
- iii. under the control of an adult person who is at least 18 years of age,
- iv. not allowed to run unrestricted within any designated off-leash area.

### **7.12**

The owner must immediately report to the Town any instances where a dangerous dog is known to the running at large.

### **7.13**

The owner of a dangerous dog shall ensure that the dog does not:

- i. attack or damage a person or another animal,
- ii. damage or destroy public or private property.

### **7.14**

An owner may apply to the CAO for relief from the requirements of section 7 of this Bylaw provided that:

- i. for a period of at least one year there have been no complaints made regarding the behaviour of the dog or its owner,
- ii. the owner and / or the dog have received some form of obedience / behavioral remediation training deemed acceptable to the Town.

### **7.15**

At the time of declaring a dog dangerous the written notice provided to an owner may state that the declaration applies in perpetuity and in doing so section 7.14 of this Bylaw does not therefore apply.

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## **8 IMPOUNDED ANIMALS**

### **8.1**

The CAO or a Competent Person, may capture and impound any animal:

- i. that is abandoned,
- ii. that is unlicensed,
- iii. that is found to be running at large,
- iv. that is engaged in any activity that is in contravention of any provision of this Bylaw,
- v. where the owner continues to offend in contravention of any provision of this Bylaw,
- vi. where the owner of the animal cannot be contacted,
- vii. that is required to be impounded pursuant to the provisions of any regulation, order, enactment, or policy,

- viii. if there is reasonable belief that the owner does not have the ability to responsibly care for the animal.

## **8.2**

The CAO or a Competent Person, may:

- i. enter any property or premise for the purpose of impounding an animal pursuant to this Bylaw, or any other regulation, order, or enactment,
- ii. capture and impound any animal which is on private property including the property of the animal owner where the animal is not adequately confined or restrained so as to prevent or stop the animal from running at large,
- iii. use any humane method, including but not limited to, the use of capture devices, lures, bait, or tranquilizer equipment, to capture an animal that is subject to impoundment pursuant to this Bylaw or any other regulation, order, or enactment.

## **8.3**

Any animal captured by a Competent Person, that is in extreme distress, severely injured, or poses a serious risk to another person, property, or traffic, may be euthanized by a qualified veterinarian without prior consultation with the animal owner when such consultation cannot be done or achieved in a timely manner.

## **8.4**

Any animal impounded by a Competent Person, may:

- i. receive sufficient food, water as required for the provision of basic animal care,
- ii. be housed in an animal shelter,
- iii. be examined for identification,
- iv. be examined by a veterinarian,
- v. be provided with veterinary care to alleviate any pain or suffering or to sustain life, including vaccination and drugs,
- vi. be humanely euthanized by a veterinarian, if deemed to be seriously ill or injured.

## **8.5**

An impounded animal may be retained for a period of not less than 3 days full days (after capture) within an animal shelter.

When impounded and for the whole period of retention the animal will be cared for according to the rules and regulations of the animal shelter.

## **8.6**

If the animal can be identified an attempt will be made to contact the owner of the animal during the 3-day retention period.

## **8.7**

The owner of the impounded animal must reclaim the animal within a reasonable time period after receiving notification.

## **8.8**

The CAO or a Competent Person may retain an animal for a longer period than provided in section 8.5 of this Bylaw if it is determined that the circumstances warrant an extension.

Any decision to allow such an extension is at the sole discretion of the CAO or a Competent Person.

## **8.9**

An impounded animal that has not been claimed within a reasonable time period may be:



- i. offered to the general public for adoption, or sale,
- ii. be placed with another person or organization that provides animal shelter and care,
- iii. euthanized by a veterinarian.

When an impounded animal is disposed of in accordance with (i) above the owner will cease to have any right or ownership title to the animal as this will be deemed to have transferred to the person that has adopted the animal.

## **8.10**

The owner of a captured or impounded animal may only redeem the animal prior to its release, or adoption, upon provision of satisfactory evidence of ownership.

## **8.11**

### **8.11.1**

The owner of a captured or impounded animal is liable for payment of all:

- i. costs associated with the capture and impoundment of the animal,
- ii. boarding fees,
- vii. veterinarian fees,
- viii. specific fees as set out in the Rates & Fees Bylaw (Animal Licencing Schedule),
- iii. penalties associated with the contravention of any provision of this Bylaw,
- iv. licensing or registration fees required by this Bylaw if the animal is not licensed or registered.

### **8.11.2**

Where a decision has been made by the Town under section 8.8 of this Bylaw to extend the retention period of an impounded animal any additional expenses incurred remain the responsibility of the owner.

### **8.11.3**

Where the owner of an impounded animal states a wish not to reclaim the animal and forgoes ownership title to the animal, all costs associated with the capture, impoundment and care of the animal remain the responsibility of the owner including boarding and veterinarian fees.

## **8.12**

The CAO or a Competent Person may refuse to release an impounded animal to the owner for the following reasons:

- i. to protect the safety of the public from the animal,
- ii. to protect the safety of the animal from the public,
- iii. to protect the health and welfare of the animal from the owner,
- iv. if there is a lack of satisfactory evidence of ownership,
- v. if there is reasonable belief that the owner does not have the ability to responsibly care for the animal.

In such cases the animal will be impounded for a period of 14 days in which the owner may appeal any decision in writing to the CAO.

The CAO will reconsider the refusal to release the animal and may uphold or overturn the original decision as deemed necessary or appropriate in the circumstances. If the decision is made to uphold the original decision the animal may be made available for adoption or euthanized.

## **8.13**

The Town is not obligated to act as a depository for unwanted or abandoned household domestic pets.

## **8.14**

The Town is not obligated to capture or impound unwanted or abandoned household domestic pets.

**8.15**

The Town will not provide animal traps to residents or property owners in the Town.

**8.16**

**8.16.1**

A property owner may set up a trap on their property or premise to capture a wild animal (but not a Domesticated Household Pet).

**8.16.2**

Prior to setting a trap a person must liaise with the Town's Bylaw Enforcement Officer, providing details of where and for what period the trap will be set.

Any person setting a trap must:

- i. take responsibility to regularly check the trap,
- ii. not use any poisonous chemical or substance,
- iii. take full responsibility for humanely caring and disposing of the trapped animal.

**8.16.3**

A Competent Person may enter and inspect the private property of an owner that placed an animal trap.

**8.16.4**

No person shall:

- i. entice an animal into a trap,
- ii. deal with a trapped animal in an inhumane way,
- iii. release a caught animal so that it is running at large in the Town.

**8.16.5**

A person must inform the Town if a trapped animal appears to be a domestic household pet.

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**9 CONTROLLED / PEST ANIMALS**

**9.1**

Subject to the provisions of the Wildlife Act RSA2000 Chapter W-10, no person can be in possession of wildlife or a controlled animal unless authorized by permit to do so.

**9.2**

Irrespective of the provisions of the Wildlife Act no person shall own or keep within the Town any constricting, venomous or poisonous animal, including reptiles (eg: lizards & snakes), arthropods (eg: spiders), and amphibians (frogs & salamanders).

**9.3**

Subject to the provisions of the Agricultural Pests Act RSA2000 Chapter A-8, no person can be in possession of an animal defined as a pest or nuisance animal (eg: rats, squirrels, locusts, skunks).

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**10 LICENSING / PERMITS (OTHER ANIMALS)**

**10.1**

At the sole discretion of the CAO, the licencing of (or granting of a permit to keep) an "exotic animal" (ie: a reptile, arthropod, or amphibian) may be approved, provided that the exotic animal is not defined by the Wildlife Act / Wildlife Regulation as being either wildlife or a controlled animal.



A licence or permit to keep an exotic animal may be subject to specific conditions imposed by the CAO as deemed necessary or appropriate in the circumstances, (for example: that the owner must permanently house the animal in an escape proof enclosure and that the animal must always remain within the owner's property).

## **10.2**

At the sole discretion of the CAO, the licencing of (or granting of a permit to keep) an animal (other than a Domestic Household Pet) may be approved, subject to any specific conditions imposed by the CAO as deemed necessary or appropriate in the circumstances.

## **10.3**

No person or owner or occupant may have more than 6 allowed animals (as defined in Schedule B of this Bylaw) within a property or premise unless licensed or authorized in writing by the CAO.

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# **11 GENERAL PROHIBITIONS**

## **11.1**

No person may keep, own, or have in possession an animal, within the Town unless the animal is:

- i. is an acceptable domesticated household pet, (as defined in Schedule B of this Bylaw).
- ii. registered or licensed (if required),
- iii. is allowed under written agreement or permit issued by the CAO.

## **11.2**

Livestock cannot be kept in the Town except in designated land use areas as determined by the Town's Land Use Bylaw or by written permission (or agreement) from the CAO.

## **11.3**

No person shall allow a horse (or other livestock) controlled or owned by them to be ridden or displayed, in or on, a public place or property unless:

- i. by prior agreement with the CAO,
- ii. at a Town approved or Town sponsored community event, parade, or show.

## **11.4**

No person shall allow an animal (or the keeping of an animal) to:

- i. become a nuisance animal,
- ii. create an animal related nuisance,
- iii. become an aggressive animal,
- iv. become a dangerous or vicious animal,
- v. create an unsightly premise,

as defined in this Bylaw.

## **11.5**

No person shall abuse, torture, tease or conduct any act that causes physical suffering to an animal.

## **11.6**

No person may hunt, trap, or bait any animal within the Town unless they are a Competent Person or have received permission from a Designated Officer to do so.

## **11.7**

No person shall untie or loosen any animal that has been tied up or restrained by the owner.

**11.8**

No person shall negligently, or irresponsibly, open a gate, pen, cage, coop, or other enclosure in which an animal has been confined by its owner.

**11.9**

No person shall set free any animal that has been restrained, caged, or impounded by a Competent Person.

**11.10**

No person may willfully interfere or obstruct a Competent Person acting in the course of their duties when in the act of capturing or impounding an animal, or when in actual possession of a captured or impounded animal.

**11.11**

No person shall provide false information to a Competent Person who is conducting an investigation with respect to an offence under this Bylaw or has any other rightful reason to obtain information relating to animal within the normal course of their duty.

**11.12**

No person shall provide false or misleading information for the purposes of obtaining an animal licence.

**11.13**

The holder of an animal licence must immediately notify the Town of any change with respect to any information provided for in the application of a licence.

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**12 OFF-LEASH AREAS**

**12.1**

The owner of a dog is not required to have a dog on a leash in an area designated by the Town as an Off-Leash Area.

**12.2**

The owner should carry on their person an appropriate leash for their dog(s) while the dog is in the off-leash area.

**12.3**

A dog is not allowed in a designated "Off-Leash Area" if the dog:

- i. is "in heat" (estrus),
- ii. is suffering from a communicable disease,
- iii. has been determined to be a Dangerous Dog.

**12.4**

A dog that is not restrained on a leash (at large) in an approved off leash area must:

- i. be within sight and under the control of the owner at all times,
- ii. be within a distance from the owner for it to be able to respond to voice, sound, or sight commands,
- iii. not exhibit threatening behaviour, bite, attack, or do any act that results in an injury to another person or animal,
- iv. not become a nuisance animal (as defined within this Bylaw).
- v. not cause any damage to property.



## **12.5**

The owner must immediately restrain a dog that is not under control, or which is intimidating to another dog or person (an aggressive animal).

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## **13 DESIGNATION OF AUTHORITY**

### **13.1**

Council authorizes the CAO to conduct all actions necessary in order to fulfill the responsibilities and duties legislated under any statutory enactment, regulation, order, this Bylaw, or any other Town Bylaw.

### **13.2**

Without limitation, the CAO is empowered to provide for:

- i. administering or enforcing the provisions of this Bylaw,
- ii. granting licenses, approvals and permissions as set out in this Bylaw,
- iii. approving exemptions to this Bylaw,
- iv. imposing penalties or waiving penalties where appropriate or necessary,
- v. imposing additional restrictions as deemed necessary in the public interest,
- vi. any action or decision deemed as being reasonably practicable.

### **13.3**

The CAO may delegate powers to a Competent Person as deemed appropriate or necessary.

### **13.4**

No person may obstruct, interfere with, or hinder the CAO, or a Competent Person in the carrying out of their duties and responsibilities under this Bylaw, or any other enactment, order, or Town Bylaw.

### **13.5**

A Competent Person may conduct patrols within the Town for the purposes of enforcing the provisions of this Bylaw.

### **13.6**

The CAO may declare any animal to be categorized as a:

- i. Dangerous or vicious animal,
- ii. Nuisance animal,
- iii. Exotic animal,
- iv. Domesticated Household Pet,
- v. Service animal,
- vi. Licensed animal,
- vii. Stray animal,
- viii. Livestock,
- ix. Wild animal,

as necessary, or appropriate, in order to fulfill the provisions of this Bylaw or to act responsibility in the best interests of the community as a whole, or as reasonably practicable.

### **13.7**

The CAO may, upon giving reasonable notice of time to a person or owner or occupant, enter any private, retail, or commercial premise to carry out an inspection, enforcement, remedy, or any action authorized or required by either, order, enactment, or this Bylaw (as provided for in Part 13, Division 4, Enforcement of Municipal Law, of the MGA).

### **13.8**

The CAO may issue a written warning that:

- i. directs a person to take action to remedy any contravention of the provisions of this Bylaw,
- ii. states the action the Town will take to remedy the contravention.

This may lead to the issue of:

- i. a specific penalty for contravention of a term or for an offence as identified within this or any other Town Bylaw,
- ii. an unspecified penalty for infractions of any part or provision of this Bylaw,
- iii. the issue of a remedial order to remedy the infraction (in accordance with Part 13, Division 4, Enforcement of Municipal Law of the MGA),
- iv. any or all of i) to iii) above.

### **13.9**

Not every matter can be addressed through regulation within this Bylaw.

In the interest of minimizing any misunderstanding and maintaining harmonious community relationships, all persons should liaise directly with the Town on any matter relating to:

- i. the keeping of domestic household pets,
- ii. animal control,
- iii. the keeping of livestock,
- iv. stray / wild animals running at large,
- v. trapping of stray / wild animals,
- vi. animal licensing.

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## **14 LIABILITY & APPEAL**

### **14.1**

No action for damages shall be taken against the Town or any Competent Person acting under the authority of this Bylaw or the enforcement of the provisions of this Bylaw or any other statutory enactment or order.

### **14.2**

The liability for trespassing and capturing livestock will be as enacted as provided for in the Stray Animals Act RSA2000, Chapter S-20.

### **14.3**

Any penalty or order issued under this Bylaw shall not affect or remove in full or part any liability for claims or damages that may arise under a civil action brought to a Court in relation to an offence committed under this Bylaw or any other enactment.

### **14.4 Right of Appeal**

Any person who considers themselves to be aggrieved by a decision of the CAO (or a Designated Officer of the Town) made under this Bylaw may appeal the decision to Council, in writing, within 30 days of the decision being made.

The Council's decision in respect of an appeal will be final and binding.

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## **15 APPLICABILITY**

### **15.1**

This Bylaw applies to all persons present within the Town.

### **15.2**

No person shall obstruct, hinder, or interfere with any person while exercising or performing their duties or powers pursuant to the provisions of this Bylaw, or any other enactment.

### **15.3**

Exceptions (either permanent or temporary) to any provision within this Bylaw may be made:

- i. at the discretion of the CAO, due to special circumstances, arrangements or need,
- ii. at the discretion of the CAO as deemed to be reasonably practicable,
- iii. as stated in this Bylaw, for example: Service Dogs,
- iv. may apply to any Competent Person acting under authority, or agreement or in the normal course of their owner's duties, for example: Police Service Dogs.

### **15.4**

Any person who contravenes any provision of this Bylaw, by doing any act or thing which is prohibited, or by failing to do any act or thing that is required, is guilty of an offence in accordance with this Bylaw or any other enactment.

### **15.5**

Under Provincial legislation (Provincial Offences Procedures Act), the provision of the Criminal Code extends liability beyond the person who committed the offence as follows:

Persons are deemed party to an offence who:

- i. actually commit the offence,
- ii. do anything for the purpose of aiding a person to commit an offence, or,
- iii. abet any person in committing an offence.

### **15.6 Proof of Exception**

In cases where a person alleges that an exception to the provisions of this Bylaw applies, the burden of proof remains with that person, on a balance of probability.

### **15.7**

Nothing in this Bylaw (either by inclusion or omission) exempts any person from the provisions of any statutory enactment, regulation, or Ministerial Order, including but not limited to, the:

- i. Animal Health Act RSA2007 Chapter A-40.2
- ii. Stray Animals Act RSA2000 Chapter S-20
- iii. Wildlife Act (and Regulation) RSA2000 Chapter W-10
- iv. Dangerous Dogs Act RSA 2000 Chapter D-3
- v. Service Dogs Act RSA2007 Chapter S-7.5
- vi. Animal Protection Act RSA2000 Chapter A-41
- vii. Agricultural Pests Act (and Regulation) RSA2000 Chapter A-8
- viii. Public Health Act (and Regulation) RSA2000 Chapter P-37
- ix. any other applicable or relevant Town of Bowden Bylaw.

### **15.8**

Nothing in this Bylaw (either by inclusion or omission) exempts any person from any statutory enactment, regulation, or Ministerial Order, that places a requirement on an animal owner for the licensing, reporting, record keeping, quarantine, traceability, or disposal of animals.

### **15.9**

All references in this Bylaw to an act, statute, regulation, or other Bylaw refer to the current version of that enactment, as amended or replaced from time to time including all successor legislation.

**15.10**

All schedules attached to this Bylaw form part of this Bylaw.

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**16 SEVERABILITY**

Every provision of this Bylaw is independent of all other provisions. 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.

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**17 BYLAW PRECEDENCE**

This Bylaw supersedes and takes precedence over all previously passed Bylaws that make reference to animal ownership, animal control or animal licensing.

Bylaw **03-2022** and all amendments thereto are hereby repealed.

This Bylaw and the schedules listed below will come into effect on the final day of passing and signature thereof.

Schedules attached to this Bylaw:

Schedule A	Penalties
Schedule B	Prohibited & Allowed Animals

Read a first time in open council this                      25<sup>th</sup> day of July 2022,  
Read a second time in open council this                      25<sup>th</sup> day of July 2022,  
and finally passed by unanimous consent of the Councillor's present.  
Read a third time in open council this                      8<sup>th</sup> day of August 2022.



\_\_\_\_\_  
Robb Stuart, Mayor



\_\_\_\_\_  
Jacqui Molyneux, Acting Chief Administrative Officer



## Animal Control Bylaw SCHEDULE A Penalties

**A1**

Any contravention of any provision of this Bylaw may be enforced by the provisions contained within the Municipal Government Act (Part 13, Division 4, Enforcement of Municipal Law), the Provincial Offences Procedures Act, R.S.A. 2000 Chapter P-24 or any other Provincial enactment or order where valid and enforceable.

**A2**

Any person who:

- i. contravenes a provision of this Bylaw is guilty of an offence,
- ii. fails to do any act or thing a person is required to do, is guilty of an offence.

**A3**

This may lead to the issue of:

- i. a written warning
- ii. a violation ticket for a specific penalty for the contravention of a provision of this Bylaw in accordance with the Provincial Offences Procedures Act
- iii. an unspecified penalty of a variable amount of not less than \$250 up to a maximum of \$15000 for any general contravention of this Bylaw as either a penalty fee and / or for compensation for damages or the recovery of costs.
- iv. the issue of a Remedial Order to remedy the infraction in accordance with section 545 and 546 of the Municipal Government Act
- v. any or all of i) to iv) above.

**A4**

This Bylaw is enforceable either by the CAO or a Designated Officer of the Town.

**A5 Specific Penalties**

Bylaw Reference	1 <sup>st</sup> offence	repeat offence(s)
Section 4 Animal Responsibility		
Minor Offence*	\$200.00	\$500.00
Major Offence*	\$400.00	\$800.00
Section 5 Licensing	\$200.00	\$300.00
Section 6 Nuisance Animals	\$200.00	\$300.00
Section 7 Dangerous Dogs	\$200.00	\$500.00
Section 8 Impounded Animals	\$200.00	\$300.00
Section 9 Controlled Animals	\$200.00	\$500.00
Section 11 General Provisions	\$100.00	\$300.00
Section 12 Off Leash Areas	\$100.00	\$300.00

\* as determined by the CAO.

**A6**

All persons must rectify the circumstances which give rise to an offence within the stipulated time period. Any continuance thereafter shall be deemed to be a new (subsequent) offence incurring further additional penalties.

**A7 Non-Specific Penalties**

Any person who contravenes any provision of this Bylaw (other than those specific penalties listed in A5 above) will be subject to an unspecified penalty (as stated in term A3 iii) the actual amount of which will be determined and applied at the discretion of the CAO dependent upon the context, nature, and severity of the offence.

**A8**

All persons are responsible for costs associated with the implementation of any measures taken, or are required to be taken, by the Town (or any other regulatory body) to meet the requirements of this Bylaw, or for any,

- i. remedial action,
- ii. repair to property,
- iii. recovery of costs.

**A9**

Any penalty issued under this Bylaw does not affect or remove in full or part any liability for damages that may arise under a civil action brought to Court in relation to an offence committed under this Bylaw or any other enactment.



## **Animal Control Bylaw**

### **SCHEDULE B Prohibited & Allowed Animals**

#### **B1**

All animals (excluding human beings) are prohibited within the Town unless allowed by exception as stated in section B3 below.

#### **B2**

**Prohibited** animals include:

- i. any animal that does not have a licence (or permit) that is required to do so,
- ii. any animal declared by the CAO as being dangerous,
- iii. any animal declared by the CAO not to be an acceptable form of Domestic Household Pet, including but not limited to, poultry, bees (apiculture), pigeons, or constricting, poisonous, or venomous animals,
- iv. animals categorized as livestock unless kept under agreement with the Town and in accordance with the Town's Land Use Bylaw,
- v. all protected or endangered animals whose possession or sale is prohibited because they are designated as protected or endangered pursuant to international, federal, or provincial law,
- vi. wildlife or controlled animals as defined in the Wildlife Act / Wildlife Regulation,
- vii. any animal declared as a pest as defined in the Agricultural Pests Act / Regulation.

#### **B3**

**Allowed** animals are:

- i. any animal that has a valid license issued by the Town,
- ii. any animal that has the consent of the CAO, by written permit,
- iii. domestic household cats, and licensed domestic household dogs,
- iv. other typical domestic household pets, (defined as an animal that is tame and fit for an indoor, domestic, human environment) including but not limited to, a hamster, rabbit, gerbil, guinea pig, mouse, ferret, budgerigar, canary, finch, parrot or cockatiel, or freshwater fish,
- v. nonpoisonous or nonvenomous exotic animals that are kept within an escape proof enclosure.

#### **B4**

No person shall keep, either on a temporary or permanent basis, a prohibited animal on any property or premise within the Town.

A prohibited animal must be euthanized or permanently removed from the Town within 7 days of receiving written notice from the CAO, or another Competent Person.

#### **B5**

Animals may be kept on a non-permanent basis (less than 30 days) within the Town on a property that has been approved either through a development permit (in accordance with the Town's Land Use Bylaw) or a Business Licence issued by the Town.

This includes:

- i. animal services businesses (eg: pet grooming),
- ii. veterinary clinics,
- iii. animal shelters, kennels etc.

#### **B6**

Animals may be kept on a permanent basis (more than 30 days) within the Town on a property that has been approved either through a development permit (in accordance with the Town's Land Use Bylaw) or a Business Licence or a written agreement issued by the CAO.

This includes:

- i. livestock,
- ii. farmed animals,
- iii. animal shelters, kennels etc.