



**BYLAW NO. 015-2023
OF THE TOWN OF SMOKY LAKE
IN THE PROVINCE OF ALBERTA**

A BYLAW OF THE TOWN OF SMOKY LAKE IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE TO PROVIDE FOR THE REGULATION OF LICENSING AND CONTROL OF ANIMALS WITHIN THE TOWN OF SMOKY LAKE.

WHEREAS pursuant to the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, and any amendments, a Council may pass bylaws for the Municipal purposes respecting the safety, health and welfare of people and the protection of people and property:

AND WHEREAS, pursuant to the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, and any amendments, a Council may pass bylaws for the Municipal purposes respecting wild and domestic animals and activities in relation to them;

AND WHEREAS, pursuant to the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, and any amendments, a Council may pass bylaws for the Municipal purposes with respect of the enforcement of Bylaws made under the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, or any other enactment;

AND WHEREAS, pursuant to the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, and any amendments, provides that a Council of a Municipality may in a Bylaw regulate or prohibit and may provide for a system of licenses, permits or approvals including establishing fees for such licences, permits and approvals;

AND WHEREAS, The Council of the Town of Smoky Lake has determined that it is appropriate to establish a system for the licensing and control of animals within the Town of Smoky Lake;

THEREFORE, the Council of the Town of Smoky Lake, in the Province of Alberta, duly assembled, enacts as follows:

1 BYLAW TITLE

1.1 This Bylaw may be cited as the “Animal Licensing and Control Bylaw”.

2. DEFINITIONS

For the purposes of this Bylaw, the following works will have meaning assigned when capitalized.

2.1 “Animal” means any dog, restricted Dog, Nuisance Dog, Restricted Dog or Cat;

2.2 “Bylaw Enforcement Officer” means the individual appointed for this position, or in their absence, the CAO;

2.3 “Cat” means a domesticated animal of the family Felidae;

- 2.4 “CAO” means Chief Administrative Officer;
- 2.5 “Council” means Council of the Town of Smoky Lake;
- 2.6 “Dog” means any domesticated dog, male or female over the age of six (6) months of the family Canidae other than a Restricted Dog;
- 2.7 “Kennel” means the keeping of dogs or cats in a greater number than three;
- 2.8 “Kennel License” means a license issued to an owner for the keeping of dogs or cats in greater number than three at one location within the limits of the Town;
- 2.9 “License” means a metal tag issued by the Town for attachment to a collar or harness to identify a Dog, Restricted Dog, or Cat;
- 2.10 “Livestock” means horses, cattle, sheep, swine, goats, donkey, mules, poultry or other animals commonly kept on a farm or for agricultural purposes, with the exception of Urban Hens as permitted and licensed under the Urban Hen Bylaw;
- 2.11 “Nuisance Dog” means any dog that has been the subject of three or more convictions within the previous three years for any combination of the following offences under this Bylaw:
- a) Excessive barking;
 - b) Defecation;
 - c) Public nuisance;
 - d) Off property of owner.
- 2.12 “Off-Leash Area” means an area designated by the Town where a Dog is not required to be held by a leash;
- 2.13 “Owner” includes any person named on a License; or in actual or apparent possession or control of property where an animal is kept or resides:
- 2.14 “Peace Officer” means:
- a) A member of the Royal Canadian Mounted Police;
 - b) A Community Peace Officer where that person’s appointment as a Community Peace Officer that person is empowered to carry out the duties of a Peace Officer.
- 2.15 “Pound” means a place designated by the CAO for the confinement of Animals that have been impounded;
- 2.16 “Prohibited Animal” means any of the following:
- a) Livestock;
 - b) Bees;
 - c) Poisonous snakes;
 - d) Pot bellied pig; or

e) Any animal other than a Dog, Restricted Dog, or Cat that is in adult form.

2.17 “Restricted Dog” means any domesticated animal of the family Canidae that:

a) has chased, attacked or bitten any person or animal causing physical injury and resulting in a conviction under this Bylaw;

b) that has chased, attacked or bitten any person or animal on more than one occasion, with or without causing physical injury, and resulting in separate convictions under this Bylaw;

c) that has been made the subject of an order under the *Dangerous Dogs Act*.

2.18 “Service Dog” means a dog trained by a recognized agency to perform specific tasks to help people with visible and non-visible disabilities.

2.19 “Violation Tag” means a tag or similar document issued by the Town pursuant to the Municipal Government Act, R.S.A. 2000, c. M-26, as amended;

2.20 “Violation Ticket” means a ticket issued pursuant to the Provincial Offences Procedures Act, R.S.A. 2000, c P-34, as amended.

3. LICENSING OF DOGS

3.1 The owner of a Dog shall obtain a License for the Dog;

3.2 Restricted Dogs shall obtain a License for a Restricted Dog;

3.3 The requirements of Section 3 do not apply to Dogs under the age of twelve (12) months;

3.4 Before the issuance or renewal of the License fee, established under the Master Rates Bylaw, the Owner must submit to the Town:

a) the License fee;

b) proof of the Dog or Restricted Dog being spayed or neutered, if applicable;

c) proof of insurance coverage, if applicable;

d) proof that at least one person named on the License is at least eighteen (18) years of age;

d) any additional information reasonably required by the Town.

4. REGULATION OF DOGS

4.1 The Owner or any other person having care or control of a Dog or Restricted Dog shall ensure that the License Tag, issued by the Town, is securely fastened to the collar or harness worn by the Dog or Restricted Dog at all times when it is off the property of the Owner.

4.2 The Owner or any other person having care or control of a Dog or Restricted Dog shall ensure that it does not bark or howl in a manner that is reasonably likely to annoy or disturb others.

4.3 In determining whether the barking or howling is reasonably likely to annoy or disturb others, consideration may be given, but not necessarily limited to:

- a) the proximity of the complainant(s) to the property where the Dog or Restricted Dog is barking or howling;
 - b) the duration of the barking or howling;
 - c) the time of day and day of the week;
 - d) the nature and use of the surrounding area;
 - e) the effects of the barking on the complainant(s).
- 4.4 The Owner or any other person having care or control of a Dog or Restricted Dog shall immediately remove any feces left by the Dog or Restricted Dog on any property other than on the property of the Owner;
- 4.5 The Owner or any other person having care or control of a Dog or Restricted Dog shall ensure that any feces on the property of the owner does not accumulate to the extent that it is reasonably likely to annoy others or pose a health risk to humans;
- 4.6 The Owner or any other person having care or control of a Dog or Restricted Dog shall at all times when it is off the property of the Owner:
- a) have it under control and held on a leash not exceeding two (2) meters in length; or
 - b) obtain consent of the person in charge of the property to allow the Dog to be off-leash.
- 4.7 When a Dog is within an Off-Leash Area, the Dog need not be held on a leash, however:
- a) the Owner or any other person having care or control of a Dog shall carry with them a leash not exceeding two (2) meters in length;
 - b) The Owner or any other person having care or control of a Dog shall have a Dog under control while in an Off-Leash Area.
- 4.8 The Owner or any other person having care or control of a Restricted Dog shall at all times when it is off the property of the Owner, including when it is within an Off-Leash Area, have it:
- a) under control;
 - b) muzzled; and
 - c) held on a leash not exceeding two (2) meters in length.
- 4.9 The Owner or any other person having care or control of a Dog or Restricted Dog shall ensure that it does not:
- a) damage property;
 - b) chase, attack or bite any person or animal; or
 - c) cause physical injury.
- 4.10 No person shall provoke a Dog or Restricted Dog in any manner that could reasonably be expected to cause the Dog or Restricted Dog to:
- a) damage property;

- b) chase, attack or bite any person or animal;
- c) cause physical injury to any person or animal;
- d) bark.

4.11 The Owner of a Restricted Dog:

- a) shall obtain and keep in force a restricted license for their Restricted Dog.
- b) shall maintain in force liability insurance specifically covering any damages for personal injury caused by the Restricted Dog in an amount not less than one million dollars (\$1,000,000.00) per occurrence;
- c) shall keep the Restricted Dog confined indoors under the effective control of a person the age of sixteen (16) years or older confined in a securely enclosed locked pen or other structure constructed to prevent escape;
- d) shall ensure that when the Restricted Dog is off the premises of the Owner, the Owner shall securely muzzle and harness or leash the Restricted Dog to effectively prevent it from attacking or biting a person or other animal;
- e) shall take all necessary steps to ensure that the Restricted Dog does not bite, chase or attack any person or other animal, whether the person or animal is on the property of the Owner or not.

5. LICENSING AND REULATION OF CATS

5.1 The Owner of a Cat shall obtain a License for the Cat once it is over the age of twelve (12) months;

5.2 Before the issuance of a License, the Owner must submit to the Town:

- a) the License fee established under the Master Rates Bylaw;
- b) proof of the Cat being spayed or neutered, if applicable;
- c) proof that at least one person named on the License is at least eighteen (18) years of age;
- c) any additional information reasonably required by the Town.

5.3 The Owner or any person having care of control of a Cat shall ensure that the License Tag issued by the Town is securely fastened to a collar or harness worn by the Cat when it is off the property of the Owner;

5.4 The Owner or any person having care of control of a Cat shall ensure that the Cat does not enter onto property other than the property of the Owner, unless the Cat is on a leash not exceeding two (2) meters in length or the person in charge of the property consents to the Cat being their;

5.5 The Owner or any person having care or control of a Cat shall ensure that it does not howl in a manner that is likely to annoy or disturb others;

- 5.6 In determining whether the howling is reasonably likely to annoy or disturb others, consideration may be given, but not necessarily limited to:
- a) the proximity of the complainant(s) to the property where the Cat is howling;
 - b) the duration of the howling;
 - c) the time of day and day of the week;
 - d) the nature and use of the surrounding area;
 - e) the effects of the howling on the complainant(s).

6. OTHER REGULATIONS

- 6.1 No person shall keep or have a Prohibited Animal on any property located within the boundaries of the Town. This section does not apply to:
- a) Animals that are participants in a parade, circus, rodeo, agricultural show or any similar function approved by the Town;
- 6.2 No person shall keep or have more than three Dogs, Restricted Dogs or any combination thereof, and three Cats on any property located within the boundaries of the Town. This section does not apply to:
- a) Dogs, Restricted Dogs or Cats under three (3) months of age; or
 - b) a person with a valid business license to operate:
 - i) a small animal breeding or boarding establishment (kennel);
 - ii) a pet store;
 - iii) a veterinary clinic or hospital; or
 - iv) an authorized SPCA.

7. GENERAL PROVISIONS

- 7.1 The onus of proving that a person has a valid License is on the person alleging the License;
- 7.2 A License issued under this Bylaw shall not be transferable from one animal to another;
- 7.3 The onus of proving the age of a Dog, Restricted Dog or Cat is on the person alleging the age;
- 7.4 Without restricting any other power, duty or function granted by this Bylaw, the CAO may:
- a) authorize whatever inspections are reasonably required to determine compliance with this Bylaw;
 - b) delegate any powers, duties or functions under this Bylaw to an employee of the Town;
 - c) establish a Pound for the impounding of animals seized and impounded pursuant to this Bylaw;
 - d) establish forms for the purposes of this Bylaw:

- e) establish Off-Leash Areas; and
 - f) approve any parade, circus, rodeo, agricultural show or any similar function within the boundaries of the Town.
- 7.5 A copy of a record of the Town, certified by the CAO as a true copy of the original, shall be admitted in evidence as prima fade proof of the facts stated in the record without proof of appointment or signature of the person signing it;
- 7.6 Nothing in this Bylaw limits the right of any person to prosecute or claim for damages by reason of injuries to persons or property resulting from the action of the Owner or any animal, or from the action of any agent of the Owner.

8. LICENSING FEES

- 8.1 Council shall establish a Schedule of Fees to be charged for the licensing of animals under this Bylaw;
- 8.2 The licensing fees shall be those set out in the Master Rates Bylaw.

9. GENERAL

- 9.1 Without restricting any other power, duty or function granted by this Bylaw, the CAO, any Peace Officer, or any Bylaw Enforcement Officer may:
- a) carry out any inspection to determine compliance with this Bylaw, or take any steps or carry out any action required to enforcement this Bylaw, unless otherwise stated in other enactment;
 - b) take any steps or carry out any actions required to remedy a contravention of this Bylaw, unless otherwise stated in another enactment; or
 - c) establish investigation and enforcement procedures with respect to property.

10. APPEAL PROCEDURE

- 10.1 A person who received a written order under this bylaw may request Council to review the order by delivering a written request on a completed form attached to their written notice, to the CAO within fourteen (14) days of the date the order is received. The order shall be deemed received within five (5) days of mailing.
- 10.2 After reviewing the order, Council may confirm, vary, substitute, or cancel the order.

11. OFFENCE

- 11.1 A person who contravenes any provision of this Bylaw is guilty of an offence.

12. OFFENCES & PENALTIES

- 12.1 A person who is guilty of an offence is liable, upon summary of conviction, to a specified penalty for that offence as set out in the Master Rates Bylaw.
- 12.2 Notwithstanding Section 23.1 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, is liable upon summary conviction to the fine as set out in the Master Rates Bylaw, for that offence.

- 12.3 Under no circumstances shall a person contravening any provision of this Bylaw be subject to the penalty of imprisonment.

13. VIOLATION TAGS

- 13.1 A Peace Officer or Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person whom the Peace Officer or Bylaw Enforcement Officer has reasonable ground to believe has contravened any provision of this Bylaw.
- 13.2 A Violation Tag may be served:
- a) In the case of an individual:
 - i) by delivering it personally to the individual;
 - ii) by leaving it for the individual at the apparent place of residence with someone who appears to be at least 18 years of age; or
 - iii) by mail addressed to the individual at the apparent place of residence to any address for the individual on the tax roll of the Town; and
 - b) In the case of a corporation:
 - i) by delivering it personally to any director or officer of the corporation;
 - ii) by delivering it personally to a person apparently in charge of an office of the corporation at an address held out by the corporation; or
 - iii) by mail addressed to the registered office of the corporation.
- 13.3 A Violation Tag issued pursuant to this bylaw shall be in a form approved by the CAO and shall state:
- a) the name of the person to whom the Violation Tag is issued;
 - b) a description of the property upon which the offence has been committed, if applicable;
 - c) a description of the offence and the applicable Bylaw section;
 - d) the appropriate penalty for the offence as specified in the Master Rates Bylaw;
 - e) the time period in which the specified penalty must be paid in order to avoid prosecution for alleged offence; and
 - f) any other information as may be required by the CAO.
- 13.4 Where a Violation Tag has been issued pursuant to this Bylaw, the person to whom the Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Town, the penalty specified on the Violation Tag.
- 13.5 Nothing in this Bylaw shall prevent a Peace Officer or Bylaw Enforcement Officer from immediately issuing a Violation Ticket.

14. VIOLATION TICKETS

- 14.1 In those cases where a Violation Tag has been issued, and if the penalty is not paid within the prescribed time period, a Peace Officer or Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, to any person whom the Peace Officer or Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this bylaw.
- 14.2 Notwithstanding the foregoing provision of this bylaw, a Peace Officer or Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, to any person whom the Peace Officer or Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 14.3 A Violation Ticket issued with respect to a contravention of this bylaw shall be served on the person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.

15. SEVERABILITY

- 15.1 It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions, and it is further the intention of Council that if any provision of this Bylaw be declared invalid, that provision shall be deemed to be severed and all other provisions of Bylaw shall remain in force and effect.

16. REPEAL OF BYLAWS

- 16.1 Bylaw No. 001-14: Animal Licensing and Control Bylaw is hereby repealed upon the final passing of this Bylaw:

17. EFFECTIVE DATE

- 17.1 This Bylaw shall come into force and effect on third and final reading.

READ a FIRST time this 27th Day of November, 2023.

READ a SECOND time this 27th Day of November, 2023.

READ a THIRD and FINAL time with the unanimous consent of all Councillors present this 27th Day of November, 2023.

Amy Cherniwchan
Mayor

Dawn Phillips
Chief Administrative Officer