

BY-LAW NO. 09-06

A BY-LAW OF THE TOWN OF FALHER, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF RESTRAINING AND REGULATING CATS AND DOGS

WHEREAS Section 7 of the Municipal Government Act being Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments thereto, provides for the regulating and controlling of animals;

AND WHEREAS the Municipal Council deems that it is proper and expedient to restrain and regulate cats and dogs in the Town limits;

NOW THEREFORE the Municipal Council of the Town of Falher, in Council duly assembled hereby enact as follows:

1. TITLE:

1.1. This By-law may be cited as the Cat and Dog By-law.

2. DEFINITIONS:

2.1 Throughout this By-law the following definitions shall apply:

- a) "KENNEL" means any place owned by any person, group of persons, or corporation engaged in the commercial business of breeding, buying, selling or boarding animals.
- b) "LEASH" means a chain or other material capable of humanely restraining a dog.
- c) "OWNER" means a person having legal title to a dog or cat in question and includes a person whose name the cat and dog is registered and any other person who has possession or custody of the dog or cat or any person who harbours, houses, or permits such dog or cat to be upon his property.
- d) "PEACE OFFICER" means a member of the Royal Canadian Mounted Police.
- e) "RUNNING AT LARGE" means a dog or cat which is not confined within the limits of a building, fence or other enclosure of the owner and is not on a leash.
- f) "TOWN" means the Municipal Corporation of Falher or the corporate limits of the Town of Falher.
- g) "TOWN OFFICIAL" means the By-Law Enforcement Officer as appointed by the Town of Falher or his appointed delegate.

3. LICENSE FEES:

3.1 The owner of every cat or dog shall obtain an annual license for such cat or dog between the 1st and 31st of January in every calendar year. The annual fee payable by the owner shall be set out in Schedule "A" of this By-law.

3.2 Every license shall expire on the 31st day of December of the year in which the license was issued.

4. REGULATIONS:

4.1 Every person residing in the Town who becomes the owner of a cat or dog after January 31 in any year, and every person who takes up residence with the Town after January 31 in any year, and who is the owner of a cat or dog which is not then licensed in accordance with this Bylaw, shall license his or her cat or dog and pay the license fee herein provided, within fifteen (15) days after becoming the owner of the said cat or dog, or being the owner of the said cat or dog and taking up residence in the Town.

- 4.2 The keeping of cats or dogs in numbers greater than two (2), shall be considered operating a kennel. In such cases the provisions of the current Land-Use By-law shall apply.
- 4.3 No owner shall permit any dog or cat to be at large within the corporate limits of the Town of Falher and when any dog or cat is found to be at large, its owner shall be deemed to have contravened this section.
- 4.4 Any dog or cat found to be running at large shall be forthwith impounded by a Town Official or a Peace Officer and kept in the custody of the Town of Falher pound.
- 4.5 The owner of a dog or cat impounded under the provisions of this bylaw shall be subject to impounding fees described in Schedule "B".
- 4.6 The owner, of a cat or dog, may reclaim his cat or dog subsequent to the payment of:
- i) the current license fee if the individual is a resident of Falher and if the same has not been previously paid; and
 - ii) a fine as specified in Schedule "B" and
 - iii) a fee for service as specified in Schedule "A"
- 4.7 It shall be the responsibility of the person redeeming the impounded cat or dog to arrange for its transportation from the pound to the residence of the owner or harbourer.
- 4.8 i) When a cat or dog has been in the pound for seventy-two (72) hours or more and the owner of the cat or dog has not reclaimed it in accordance with section 4 of this By-law, the Town Official may:
- a) destroy a cat or dog, or
 - b) offer the cat or dog for sale at the price stipulated in Schedule "B" to this By-law, or
 - c) retain the cat or dog in the pound for such further period of time as the Town Official may think advisable in the circumstances.
- ii) Where the owner of an impounded cat or dog has advised the Town Official that he has no further interest in the cat or dog, the Pound keeper may destroy the cat or dog or offer the cat or dog for sale to a person other than the owner at the price stipulated in Schedule "B" to this By-law, notwithstanding that the cat or dog may then have been in the Pound less than seventy-two (72) hours. In which case, the owner must sign a "Destruction or Disposal of Cat or Dog" form (Schedule "C").
- iii) Where the owner of a cat or dog advises the Town Official that he has no further interest in the cat or dog and requests the Town Official to pick up the cat or dog and take it to the Pound, the Town Official shall comply with such request upon receipt from the owner of the fee for this Pick up Charge as stipulated in Schedule "A" to this By-law, as soon as practicable having regard to human resources available to the Pound Keeper and the space available for cats or dogs in the Pound.
- iv) For the purpose of calculating the length of time a cat or dog has been impounded, Saturdays, Sundays and Statutory holidays shall not be included in the calculation.
- v) Whenever the Town Official destroys a cat or dog in accordance with the provisions of this By-law, the owner shall be liable to pay the fee for destruction of a cat or dog as stipulated in Schedule "A" to this By-law, and in every case where the said fee has not been paid prior to the destruction of the

cat or dog, the Town Official may present the owner with a bill or invoice therefore which shall be paid in full by the owner within (30) days of receipt of the bill or invoice.

4.9 The Town Official may loan a trap to any person for a period not exceeding five (5) days and in every such case Town Official shall obtain from the person borrowing the trap, a cash deposit of fifty dollars (\$50.00) and shall refund the deposit upon return of the trap in the same condition as it was when loaned, reasonable wear and tear expected.

4.10 If a dog or cat defecates on any public or private property other than the property of the owner, the owner shall cause such defecation to be removed immediately and deposit in a suitable waste receptacle.

4.11 If a dog or cat defecates on its owner's property to the extent that excessive smell results or that the owner's property is declared to be untidy pursuant to Bylaw No. 04-04, the owner shall immediately remove the defecation and dispose of it in a suitable waste receptacle.

5. FINES:

5.1 Where the Town Official or any By-law enforcement officer, or Peace Officer has reasonable and probable grounds to believe that any person has contravened any provisions of this By-law, he may serve upon such person a written violation either personally or by mailing the said violation notice to the person in respect of which it is issued addressed to the last known address of the person, and service of the violation notice as provided for in this sub-section shall be deemed adequate for the purpose of this By-law.

5.2 A violation notice issued pursuant to the provisions of this section shall be in such form as directed from time to time by the By-law Enforcement Officer, provided that the violation notice shall state the section of this By-law which was alleged to have been contravened and the amount as provided for in Schedule "B" to this By-law which will be accepted by the Town in lieu of prosecution.

5.3 If payment is received by the Town from or on behalf of a person in respect of whom a violation notice has been issued under this section:

- a) in the amount set out on the violation notice as the sum the Town will accept in lieu of prosecution, and
- b) within twenty one (21) days from service upon such person in any manner permitted under this section,

then that person shall thereafter not be liable to be prosecuted for the occurrence or transaction in respect of which the violation notice was issued.

5.4 Any person who fails to pay the specified voluntary fine within twenty one (21) days shall be liable, on conviction before a Magistrate, Judge or Justice of the Peace, to the penalties and costs as may be determined by the judicial system.

6. GENERAL:

6.1 In this By-law, the singular may be read as though the plural were expressed and the masculine gender may be read as though the feminine or neuter is expressed, wherever the context in which this By-law has application so requires.

6.2 Any person who shall hinder, delay or obstruct any person or persons engaged in enforcing any provision of this Bylaw, or impounding any domestic animal or other animal liable to be impounded under the provisions of this Bylaw, shall, for each and every hindrance, delay or obstruction, be guilty of an offense and liable, upon summary conviction, to a fine as provided in Schedule "B".

- 6.3 Any person removing or attempting to remove any dog or cat from the possession of the person authorized to enforce any of the provisions of this bylaw shall be guilty of an infraction of this bylaw.
- 6.4 Each section of this Bylaw shall be read and construed as being separate and severable from each other section. Furthermore, should any section or part of this Bylaw be found to have been improperly enacted, for any reason, then such section or part shall be regarded as being severable from the rest of the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.

7. REPEALS:

- 7.1 By-law numbers 143, 156, 220, 86-15, 91-04, 93-04 and 05-03 of the Town of Falher are hereby repealed.

8. EFFECTIVE DATE:

- 8.1 This By-law shall come into effect on the date of it finally being passed.

READ a first time this _____ day of _____, 2009.

MAYOR

MUNICIPAL ADMINISTRATOR

READ a second time this _____ day of _____, 2009.

MAYOR

MUNICIPAL ADMINISTRATOR

READ a third time and finally passed this _____ day of _____, 2009.

MAYOR

MUNICIPAL ADMINISTRATOR

**TOWN OF FALHER
BY-LAW NO. 09-06**

**SCHEDULE "B"
FINES**

Section of Bylaw	Nature of Violation	Fines	
		First Offence	Second or Subsequent Offenses*
4.1	Failure to obtain license	\$50.00	
4.2	Keep or harbour excessive number of cats or dogs	\$50.00	\$100.00
4.3	Cats or dogs running at large	\$50.00	\$100.00
4.12	Cats or dogs defecating at large or excess defecation on private property	\$25.00	\$50.00
4.5	Removal of dog or cat from Possession of Town official	\$1000.00	
4.6	Hinder, delay or obstruct Town Official authorized to enforce bylaw	\$1000.00	

NOTE:

*A second or subsequent offense occurring within 6 months from the date of issuance of a first offense.

**TOWN OF FALHER
BY-LAW NO 09-06**

**SCHEDULE "A"
FEES**

SERVICE	AMOUNT
1. Annual licensing fee:	
a) Male	\$20.00
b) Spayed female	\$20.00
c) Non-spayed female	\$30.00
2. License fee for new cats or dogs after June 30 th of current year:	
a) Male	\$10.00
b) Spayed female	\$10.00
c) Non-spayed female	\$15.00
3. Care and sustenance (per day)	\$5.00
4. Veterinary Expenses	Actual fee
5. Destruction of cat or dog	\$10.00
6. Purchase of cat or dog	\$5.00
7. Pick-up charge	\$15.00

**TOWN OF FALHER
BYLAW NO. 09-06**

**SCHEDULE "C"
DESTRUCTION OF DOG OR CAT**

I, _____ of _____
(Name) (Address)

in the Town of Falher, in the Province of Alberta, request that the Town official destroy or dispose of the following described animal:

And hereby:

(1) Certify that I own the said animal **and hereby request to have it:**

destroyed;

disposed of.

(2) Agree to indemnify and save the Town harmless from any and all claims or actions that may arise as a result of this request.

(3) I agree to pay the Town:

1. A fee of \$10.00 during normal business hours for the services herein requested.

DATED at the Town of Falher, in the Province of Alberta, this _____ day of

_____, A.D. 20__.

Signature

Witness