

**BYLAW NO. 3935**

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**A Bylaw of the City of Medicine Hat for the purpose of regulating Animals and activities in relation to them.**

**WHEREAS** section 7 (h) of the *Municipal Government Act*, RSA 2000, c. M-26, as amended, authorizes municipalities to pass bylaws for municipal purposes respecting wild and domestic animals and activities in relation to them;

**WHEREAS** Council considers it advisable to pass a bylaw to regulate and control Animals and activities in relation to them in the City of Medicine Hat;

**NOW THEREFORE THE MUNICIPAL CORPORATION OF THE CITY OF MEDICINE HAT IN COUNCIL ASSEMBLED ENACTS AS FOLLOWS:**

1. This Bylaw may be cited as the “Responsible Animal Ownership Bylaw”.
2.
  - (1) In this Bylaw, unless the context otherwise requires:
    - (a) **“Animal”** means any mammal excluding humans, or any bird, reptile or amphibian.
    - (b) **“Animal Control Shelter”** means a facility designated by the City for the housing of animals as provided for in section 41.
    - (c) **“Animal Shelter Supervisor”** means any person, firm or body corporate, or servants and employees of a person, firm or body corporate, appointed or employed by the City to manage and operate the Animal Control Shelter and to carry out the duties prescribed by this Bylaw.
    - (d) **“Bylaw Enforcement Officer”** means any person employed by the City as a police officer, bylaw enforcement officer or community peace officer.
    - (e) **“Cat Tag”** means a device bearing a distinctive serial number intended to be attached to the collar of a cat and issued by the City upon payment of a license fee as prescribed in this Bylaw.
    - (f) **“Chief of Police”** means the Chief of Police of the City and includes any person to whom the Chief of Police’s powers are delegated or any person appointed to act in the absence of the Chief of Police.
    - (g) **“City”** means the Municipal Corporation of Medicine Hat, or the area contained within the boundary thereof, as the context requires.
    - (h) **“Controlled Confinement”** means the confinement of a dog in a pen, cage or other structure having:
      - (i) secure sides and a secure top;
      - (ii) the bottom secured to the sides or the sides embedded in the ground to a minimum depth of thirty (30) centimeters;
      - (iii) minimum dimensions of 1.5 metres by 3.0 metres; and
      - (iv) a minimum height of 1.5 metres.

- (i) **“Dog Tag”** means a device bearing a distinctive serial number intended to be attached to the collar of a dog and issued by the City upon payment of a license fee as prescribed in this Bylaw.
- (j) **“Foster Animal”** means an Animal placed in a person’s custody on a temporary basis by a Humane Society.
- (k) **“Guide Dog”** means a guide dog as defined in the *Blind Persons’ Rights Act*, R.S.A. 2000 c.B-3.
- (l) **“Heritage Trail System”** means the Heritage Trail System established by the City, as modified from time to time.
- (m) **“Humane Society”** means the Medicine Hat SPCA or other similar society or corporate entity that rescues, cares for and arranges fostering and adoption of Animals.
- (n) **“Infectious Physical Condition”** means any abnormal physical condition which is liable to be passed on to other Animals or humans by invasion of an organism emanating from the Animal suffering from the abnormal physical condition.
- (o) **“Judge”** includes a justice of the peace.
- (p) **“Leash”** means a leash that is:
  - (i) adequate to control the dog to which it is attached; and
  - (ii) securely attached to the dog by a collar, choke collar or harness.
- (q) **“Livestock”** means one or more of the following:
  - (i) a horse, mule, ass, swine, emu, ostrich, camel, llama, alpaca, sheep or goat;
  - (ii) domestically reared or kept deer, reindeer, moose, elk, or bison;
  - (iii) farm bred fur bearing animal including a fox or mink;
  - (iv) animal of the bovine species;
  - (v) animal of the avian species including a chicken, turkey, duck, goose or pheasant; and
  - (vi) any other animal that is kept for agricultural purposes, but does not include cats, dogs or other domesticated household pets.
- (r) **“Microchip”** means a traceable microchip implanted in a dog or cat by a licensed veterinarian or an animal health technician.
- (s) **“Muzzle”** means a device of sufficient strength placed over an Animal’s mouth to prevent it from biting.
- (t) **“Nuisance Animal”** means any Animal in respect of which there have been two or more convictions for offences under this Bylaw.

- (u) **“Owner”** means any natural person or body corporate:
    - (i) who is the licensed Owner of the Animal;
    - (ii) who has legal title to the Animal;
    - (iii) who has possession or custody of the Animal, either temporarily or permanently; or
    - (iv) who harbours the Animal, or allows the Animal to remain on that person’s premises.
  - (v) **“Owner’s Property”** means any property in which the Owner has a legal or equitable interest or which is otherwise under the control or is in the possession of the Owner, and which property shall include land, buildings and vehicles.
  - (w) **“Park”** means a Park or Recreational Area as defined in the Parks and Recreational Areas Bylaw.
  - (x) **“Running at Large”** means an Animal which is not under the control of the Owner by means of a Leash and is upon property other than the property in respect of which the Owner has the right of occupation, or upon any highway, thoroughfare, street, road, trail, avenue, parkway, lane, alley, square, bridge, causeway, trestleway, sidewalk (including the boulevard portion of the sidewalk), Park or other public place which has not been designated as an off Leash area.
  - (y) **“Service Dog”** means a service dog as defined in the *Service Dogs Act*, R.S.A. 2000 c.S-7.5.
  - (z) **“Severe Injury”** means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery.
  - (aa) **“Vicious Dog”** means a dog declared to be a Vicious Dog under subsection 27(1.1) of this Bylaw.
- (2) Each provision of this Bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.
  - (3) Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, or other bylaw or any requirement of any lawful permit, order or license.
  - (4) Any headings or sub-headings in this Bylaw are included for guidance purposes and convenience only, and shall not form part of this Bylaw.
  - (5) Where this Bylaw refers to another Act, bylaw, regulation or agency, it includes reference to any Act, bylaw, regulation or agency that may be substituted therefore.
  - (6) All the schedules attached to this Bylaw shall form part of this Bylaw.

## **LICENSING REQUIREMENTS**

### **DOG LICENSING**

3.
  - (1) Subject to subsection 3(3), the Owner of a dog shall apply for and obtain or renew a license for the dog from the City in accordance with section 4, and shall pay the license fee as set out in Schedule "A".
  - (2) Upon receipt of the license fee the City shall issue a license, and a Dog Tag if a Dog Tag has not previously been issued to the Owner of the dog in respect of which the fee was paid.
  - (3) Notwithstanding subsection 3(1), the Owner of a Guide Dog or Service Dog is not required to pay a fee for a license under this Bylaw.
  - (4) A Dog Tag issued under this Bylaw is valid for the term of the license with which the Dog Tag is issued and for every subsequent year, if applicable, where the license is renewed by the date that it is required to be renewed under this Bylaw.
  - (5) The Owner of a dog shall provide the dog with a secure collar to which shall be securely attached the Dog Tag and ensure that both the dog collar and Dog Tag are worn by the dog at all times when the dog is not on the Owner's Property.
  - (6) No person shall affix or permit to be affixed to a dog's collar a Dog Tag which has been issued in respect of another dog.
  - (7) A dog license issued pursuant to this Bylaw shall be valid for the length of time identified in Schedule "A".
  - (8) The provisions of this section and of sections 4 and 5 of this Bylaw shall not apply to a Humane Society or any person holding a valid license to operate a retail pet sales, grooming or boarding business within the City.
4. An Owner shall:
  - (1) subject to subsection 4(2), apply for a license for a dog:
    - (a) on the day the person becomes the Owner of the dog; or
    - (b) if the dog is not three (3) months of age on the day the person becomes the Owner of the dog, on the day the dog becomes three (3) months of age;
  - (2) apply for a license for the Owner's dog notwithstanding that the dog is under the age of three (3) months, if the dog is found Running at Large;
  - (3) annually apply for and renew the license for the Owner's dog, if applicable, prior to the expiry of the license.

5. An Owner may be required to provide proof satisfactory to the City to establish one or more of the following facts, prior to a license being issued:
  - (a) that a dog is between three (3) to six (6) months of age;
  - (b) that a dog is a Guide Dog or Service Dog;
  - (c) that a dog has been spayed or neutered and/or marked with a microchip.
  
6.
  - (1) Subject to subsection 6(2), the Owner of a Vicious Dog shall, within three (3) days of the dog having been declared to be a Vicious Dog:
    - (a) apply to the City for a license for the Vicious Dog;
    - (b) have a Microchip implanted into the Vicious Dog;
    - (c) provide a copy of the information contained on the Microchip to the Chief of Police prior to a license being issued; and
    - (d) pay the license fee for a Vicious Dog set out in Schedule "A".
  
  - (2) If the Owner of a dog declared a Vicious Dog under this Bylaw appeals the declaration of the Chief of Police pursuant to subsection 27(3), the Owner shall not be required to apply and pay for a license for the Vicious Dog unless and until the appeal committee upholds the declaration of the Chief of Police, in which case the Owner shall have three (3) days from the date of receipt of the decision of the appeal committee to apply and pay for the license.
  
  - (3) The Owner of a Vicious Dog shall renew the license for the Vicious Dog prior to the expiry of the license.

### **CAT LICENSING**

7.
  - (1) The Owner of a cat shall apply for and obtain or renew a license for the cat from the City in accordance with section 8 and shall pay the license fee as set out in Schedule "A".
  
  - (2) Upon receipt of the license fee the City shall issue a license and a Cat Tag if a Cat Tag has not previously been issued to the Owner of the cat in respect of which the fee was paid.
  
  - (3) A cat license issued pursuant to this Bylaw shall be valid for the length of time identified in Schedule "A".
  
  - (4) A Cat Tag issued under this Bylaw is valid for the term of the license with which the Cat Tag is issued and for every subsequent year, if applicable, where the license is renewed by the date on which it is required to be renewed under this Bylaw.

- (5) The Owner of a cat shall provide the cat with a secure collar to which shall be securely attached the Cat Tag and ensure that both the cat collar and Cat Tag are worn by the cat at all times when the cat is not on the Owner's Property.
  - (6) No person shall affix or permit to be affixed to a cat's collar a Cat Tag which has been issued in respect of another cat.
  - (7) The provisions of this section and section 8 of this Bylaw do not apply to a Humane Society or any person holding a valid license to operate a retail pet sales, grooming or boarding business within the City.
8. An Owner shall:
- (1) subject to subsection 8(2), apply for a license for a cat:
    - (a) on the day the person becomes the Owner of the cat; or
    - (b) if the cat is not three (3) months of age on the day the person becomes the Owner, on the day the cat becomes three (3) months of age;
  - (2) apply for a license for the Owner's cat notwithstanding that the cat is under the age of three (3) months, if the cat is found Running at Large;
  - (3) annually apply for and renew the license for the Owner's cat, if applicable, prior to the expiry of the license.
9. An Owner may be required to provide proof satisfactory to the City to establish one or more of the following facts, prior to a license being issued:
- (a) that a cat is between three (3) to six (6) months of age;
  - (b) that a cat has been spayed or neutered and/or marked with a microchip.

**LICENSING INFORMATION**

10. An Owner shall forthwith notify the City of any changes with respect to any information provided in an application for a license under this Bylaw.

**LOST DOG TAG OR CAT TAG**

11. Upon losing a Dog Tag or a Cat Tag the Owner of the licensed dog or cat shall present the receipt for payment of the license fee to a Bylaw Enforcement Officer, who will issue a new tag to the Owner for the fee set out in Schedule "A" of this Bylaw.

**NO REFUND**

12. No refund shall be made of any license fee for any reason whatsoever.

**NON-TRANSFERABLE**

13. A license issued pursuant to this Bylaw is not transferable.

***RESPONSIBILITIES OF OWNERS***

**RUNNING AT LARGE**

- 14.
- (1) The Owner of an Animal shall ensure that such Animal is not Running at Large.
  - (2) No person shall do any thing or omit to do any thing where such act or omission has or may have the effect of causing or permitting the Running at Large of an Animal within the City.

**DOGS IN OFF LEASH AREAS AND PARKS**

- 15.
- (1) The City may designate areas where a dog may be exercised while not restrained by a Leash.
  - (2) No Owner may exercise a dog in an off-leash area while not restrained by a Leash unless:
    - (a) the dog is under the control of a person at least eighteen (18) years of age; and
    - (b) the dog is not a Vicious Dog or a Nuisance Animal.
  - (3) The provisions of this Bylaw apply, with all necessary modifications, to an off-leash area.
  - (4) While in an off-leash area, a person shall use the land in accordance with any sign or signs which have been posted setting out the days, times and manner in which a person is permitted to use the off-leash area.
  - (5) The Parks Manager, as defined under the Parks and Recreational Areas Bylaw, may grant permission for dogs to be in a Park, while not restrained by a Leash, for the purpose of participating in a dog show, competition or training class or any other special event for dogs.
  - (6) The provisions of this Bylaw apply, with all necessary modifications, to dogs participating in a dog show, competition or training class or other special event described in subsection 15 (5).

### **THREATENING OR NUISANCE BEHAVIOURS**

16. Any Owner of an Animal which:
- (a) bites or chases a person or other animal;
  - (b) bites or chases any motor vehicle or bicycle;
  - (c) barks, howls or otherwise comports itself in such a fashion as to disturb any person, or in the opinion of a Bylaw Enforcement Officer is likely to disturb any person;
  - (d) barks, howls or otherwise comports itself in such fashion as to alarm or cause any person to fear for their physical safety;
  - (e) bites a person causing a Severe Injury;
  - (f) causes the death of another Animal;
  - (g) causes any damage whatsoever to any property or any injury whatsoever to any person or other Animal;
  - (h) is at any time within the floral area of any Park or disturbs or destroys any vegetation or Animal habitat in any Park;
  - (i) is at any time in any swimming pool, wading pool, or waterpark intended for public use or in any body of water that is located in or flowing through any Park;
  - (j) is at any time upon any cemetery property within the City;
  - (k) is at any time upon any property where the Animal is prohibited as indicated by a sign or other marking; or
  - (l) upsets any waste receptacle or scatters the contents thereof,
- whether or not the Animal is then Running at Large, is guilty of an offence.

### **ANIMALS IN VEHICLES**

17. No person shall leave an Animal unattended in a motor vehicle unless the Animal is restrained so as to prevent it from coming into contact with any other person or Animal outside the motor vehicle.
18. Any person leaving an Animal unattended in a motor vehicle shall ensure that suitable ventilation is provided for the Animal.
19. No person shall leave an Animal in the open box area of a truck or open trailer while the truck or trailer is in motion.
20. No person shall leave an Animal unattended in the open box area of a truck or an open trailer while the truck or trailer is parked.
21. The owner of a vehicle involved in an offence referred to in sections 17-20 is guilty of the offence, unless the vehicle owner satisfies the Court that the vehicle was:
- (a) not being driven or was not parked by the owner of the vehicle; and

- (b) that the person driving or parking the vehicle at the time of the offence did so without the vehicle owner's express or implied consent.

### **UNATTENDED ANIMALS**

- 22. The Owner of an Animal shall ensure that such Animal is not left unattended while tethered or tied up on premises where the public has access, whether the right of access is express or implied.
- 23. The Owner of an Animal shall ensure that such Animal is not left tethered or tied up in a residential yard when no one at that residence is home.
- 24. The Owner of an Animal shall not allow the Animal when tethered or tied up in a residential yard to get closer than 1.5 metres to the property line.

### **NUISANCE ANIMALS**

- 25. A Bylaw Enforcement Officer may, on having reasonable and probable grounds to believe an Animal is a Nuisance Animal, direct the owner in writing to take such actions as deemed necessary by the Bylaw Enforcement Officer to ensure this Bylaw is not further contravened.
- 26. The Owner of a Nuisance Animal who fails to comply with the written direction of a Bylaw Enforcement Officer pursuant to section 25 is guilty of an offence.

### **VICIOUS DOGS**

- 27.
  - (1) If a Bylaw Enforcement Officer believes on reasonable and probable grounds that a dog has:
    - (a) chased, injured or bitten a person or other Animal;
    - (b) damaged or destroyed any property;
    - (c) threatened or created the reasonable apprehension of a threat to a person or other animal; or
    - (d) been previously determined to be a Dangerous Dog under the *Dangerous Dogs Act* R.S.A. 2000 c. D-3,the Bylaw Enforcement Officer may seize and impound the dog at the Animal Control Shelter and recommend to the Chief of Police that the dog be declared a Vicious Dog.
  - (1.1) Upon receipt of a recommendation from a Bylaw Enforcement Officer pursuant to subsection 27(1), the Chief of Police may declare the dog to be a Vicious Dog.
  - (2) If the Chief of Police has declared a dog to be a Vicious Dog, a Bylaw Enforcement Officer shall provide written notification of the declaration to the dog's Owner.

- (3) A person who receives a notice from a Bylaw Enforcement Officer pursuant to subsection 27(2) may appeal the declaration by giving written notice of the appeal and the reasons therefore to the City Clerk within ten (10) days of receiving the declaration from the Bylaw Enforcement Officer.
  - (4) Upon receipt of an appeal pursuant to subsection 27(3), Council shall establish an appeal committee by resolution.
  - (5) The appeal committee, upon hearing the appeal, may uphold the decision of the Chief of Police or allow the appeal.
28. The Owner of a Vicious Dog shall at all times ensure that:
  - (1) the Vicious Dog does not:
    - (a) threaten or create the reasonable apprehension of a threat to a person or other Animal;
    - (b) chase a person or other Animal;
    - (c) bite a person or other Animal;
    - (d) otherwise injure a person or other Animal, or
    - (e) damage or destroy any property,
  - (2) when a Vicious Dog is on the Owner's Property, either:
    - (a) the Vicious Dog shall be confined indoors, in a manner that shall not allow the Vicious Dog to escape the residence or other indoor structure; or
    - (b) the Vicious Dog shall be confined outdoors in Controlled Confinement that shall not allow the Vicious Dog within one (1) metre of the property line or within five (5) metres of a neighboring residence and which shall provide the Vicious Dog with shelter from the elements.
29. The Owner of a Vicious Dog shall at all times ensure that when the Vicious Dog is not on the Owner's Property the Vicious Dog is:
  - (a) muzzled; and
  - (b) secured on a Leash not longer than one (1) metre, held by a person at least eighteen (18) years of age, in a manner that prevents it from threatening, chasing, injuring or biting any person or other animal and from damaging or destroying any property.
30. The Owner of a Vicious Dog shall at all times ensure that the Vicious Dog is not Running at Large.
31.
  - (1) The Owner of a Vicious Dog shall obtain and maintain liability insurance satisfactory to the Chief of Police, specifically covering any damages for

personal injury and property damage caused by the Vicious Dog in an amount not less than two million dollars (\$2,000,000.00) per occurrence.

- (2) Subject to subsection 31(3), the Owner of a Vicious Dog shall provide proof of the insurance required by subsection (1) to the Chief of Police not later than fifteen (15) days following the declaration of the dog as a Vicious Dog.
- (3) If an Owner appeals a declaration of the Chief of Police pursuant to subsection 27(3), the Owner is not obliged to obtain insurance unless and until the appeal committee upholds the declaration of the Chief of Police, in which case the Owner shall have fifteen (15) days following receipt of the decision of the appeal committee to provide proof of insurance to the Chief of Police.

### **REMOVING EXCREMENT**

32.

- (1) If an Animal defecates on any public or private property other than the Owner's Property, the Owner shall remove the feces immediately.
- (2) An Owner of a dog shall carry a suitable means of removing dog feces at all times while the dog is in the custody of the Owner on property other than the Owner's Property.

### **OWNER'S PROPERTY**

33. An Owner shall at all times keep the property where an Animal is kept in a clean and tidy condition. For purposes of this section, "clean and tidy condition" means clean and tidy in the opinion of a Bylaw Enforcement Officer, acting reasonably.

### **ANIMAL HEALTH**

34. An Owner of an Animal which is suffering from an Infectious Physical Condition:
- (a) shall not permit such Animal to be in any public place whether or not the Animal is then Running at Large;
  - (b) shall not keep or maintain such Animal in contact with or in proximity to any other Animal; and
  - (c) shall keep the Animal at all times locked in a secure place,

but no contravention of this section occurs by reason only of the fact that a person transports an Animal suffering from an Infectious Physical Condition to a place where the Animal may obtain veterinary treatment, and the provisions of this section do not apply to any person duly qualified and licensed to practice veterinary medicine within the City.

35. The Owner of a dog or cat shall ensure that the dog or cat has up to date rabies vaccinations.
36. On demand from a Bylaw Enforcement Officer, the Owner of a dog or cat shall produce to the Bylaw Enforcement Officer all veterinary records for the dog or cat.

**DOG AND CAT OWNERSHIP LIMITS**

37.

- (1) No person shall own, keep or harbour or allow to be kept or harboured on that person's property more than three (3) dogs and six (6) cats aged six (6) months or more. On the date this Bylaw comes into force, a person who owns more than three dogs or six cats in accordance with Bylaws 3183 and 3382, shall be permitted to keep those dogs and cats, but shall not be permitted to replace dogs or cats which exceed the maximums allowed under this subsection.
- (2) Subsection 37(1) does not apply to premises lawfully used for a retail pet sales business or the care, maintenance and treatment of dogs or cats operated by and in charge of a licensed veterinarian, licensed Animal groomer or Animal breeding business nor any premises that are temporarily used for the purpose of a lawful dog show nor to any person in possession of a valid license to operate an Animal boarding business within the City.
- (3) Notwithstanding subsection 37(1), a person may keep or harbour, or allow to be kept or harboured, on that person's property, up to four (4) dogs if at least one dog has been placed with that person as a Foster Animal.
- (4) Notwithstanding subsection 37(1), a person may keep or harbour, or allow to be kept or harboured, on that person's property, up to seven (7) cats if at least one cat has been placed with that person as a Foster Animal.
- (5) On demand from a Bylaw Enforcement Officer, a person who keeps or harbours, or allows to be kept or harboured, a Foster Animal, shall provide to the Bylaw Enforcement Officer written proof, satisfactory to the Bylaw Enforcement Officer, that the Animal is a Foster Animal.

**CAT TRAPPING**

38.

- (1) No person shall set a cat trap outdoors:
  - (a) if the temperature is below 0 degrees Celsius or forecast to be below 0 degrees Celsius in the next seventy-two (72) hour period;
  - (b) in an area not shaded from the sun;
  - (c) unless the trap is checked hourly and closed by 11:00 p.m. each night and rendered inoperable until 6:00 a.m. the following day; or
  - (d) unless the person is residing and present at the property where the cat trap is located.
- (2) No person shall taint cat trap bait with any poisonous chemical or substance.

- (3) A person who sets a cat trap outdoors must notify the owners or occupants of the adjacent property on either side if applicable, that the trap has been set out.
- (4) A person who traps a cat shall forthwith turn the cat over to a Bylaw Enforcement Officer or take the cat to the Animal Control Shelter.

## **OTHER ANIMALS**

### **LIVESTOCK**

39. No person shall keep Livestock in any area of the City except where the keeping of Livestock is allowed under the City's Land Use Bylaw.

## **ANIMAL CONTROL OPERATIONS**

### **SEIZURE**

40.
  - (1) A Bylaw Enforcement Officer may capture and impound any Animal:
    - (a) in respect of which there are reasonable and probable grounds to believe that an offence under this Bylaw is being committed or has been committed; or
    - (b) which is required or permitted to be impounded pursuant to the provisions of any statute of Canada or of the Province of Alberta, or any regulation made thereunder.
  - (2) A Bylaw Enforcement Officer may, after complying with section 542 of the *Municipal Government Act*, R.S.A. 2000 c.M-26, enter on private property for the purpose of capturing and impounding a barking dog.

### **ANIMAL CONTROL**

41. The City may contract with any person, firm or body corporate for the purpose of maintaining an Animal control facility of such size and design and in such location as the Chief Administrative Officer of the City may from time to time direct, and for the purposes of this Bylaw any such facility is the Animal Control Shelter.
42. The City may employ an Animal Shelter Supervisor, Bylaw Enforcement Officers and such other employees in connection with the operation of the Animal Control Shelter and the carrying out and enforcement of the provisions of this Bylaw as the City considers necessary and expedient.
43. Subject to Section 42, if the City decides to operate its own Animal Control Shelter, the Animal Shelter Supervisor shall report directly to and be under the authority and supervision of the Chief of Police.

- 44.
- (1) A Bylaw Enforcement Officer may enter upon the land surrounding any building for the purpose of pursuing any Animal which has been observed Running at Large.
  - (2) A Bylaw Enforcement Officer may obtain from a Provincial Court Judge a warrant to search within or upon any property, upon satisfying the Provincial Court Judge by affidavit under oath that there are reasonable and probable grounds to believe that there has occurred or is occurring within or upon such property a contravention of subsection 37(1) of this Bylaw. If, upon conducting such search, it appears that the number of dogs or cats in excess of the maximum permitted under subsection 37(1) are being kept or harboured upon such property, then upon laying a charge under this Bylaw the person conducting the search may forthwith remove from the property and impound as evidence for trial any number of dogs or cats in excess of the maximum number permitted under subsection 37(1).
  - (3) The provisions of the Criminal Code (Canada) respecting search warrants apply, with all necessary modifications, to this section.
  - (4) No person shall do any thing or omit to do any thing where such act or omission has or may have the effect of obstructing, hindering or impeding the Animal Shelter Supervisor or a Bylaw Enforcement Officer from doing any thing in furtherance of the carrying out or enforcement of any provision of this Bylaw.
- 45.
- (1) When a dog wearing a Dog Tag or a cat wearing a Cat Tag is impounded, a Bylaw Enforcement Officer shall serve upon the person to whom the tag was issued a notice in the form set out in Schedule "B" to this Bylaw, either personally or by leaving the notice at or mailing it to the address of that person as indicated in the records of the City.
  - (2) A person to whom a notice is mailed pursuant to the provisions of subsection 45(1) shall be conclusively deemed to have received such notice on the fourth day after mailing thereof, Saturdays, Sundays and statutory holidays excepted.
46. On the recommendation of the Animal Shelter Supervisor, from time to time, the City may set fees for care and sustenance of an Animal at the Animal Control Shelter.
- 47.
- (1) An Owner of an impounded Animal may reclaim the Animal upon payment to the Animal Shelter Supervisor of an amount equal to:
    - (a) the total of all impoundment fees, care and sustenance charges, and reasonable veterinary expenses incurred by the Animal Shelter Supervisor in respect of the Animal during the period of impoundment, pursuant to section 46 and Schedule "C" of this Bylaw; and

- (b) any license fees payable under this Bylaw at the time the Animal is reclaimed.
  - (2) The Animal Shelter Supervisor may require an Owner who reclaims an Animal from the Animal Control Shelter to provide:
    - (a) a receipt for the delivery of the Animal, which receipt shall set out the tag number, a brief description of the Animal, and the name and address of the Owner; and
    - (b) photo identification of the Owner.
- 48.
- (1) When an Animal has been in the Animal Control Shelter for seventy-two (72) hours or more and the Owner of the Animal has not reclaimed it in accordance with section 47 of this Bylaw, the Animal Shelter Supervisor may:
    - (a) destroy the Animal;
    - (b) offer the Animal for sale at a price set by the Animal Shelter Supervisor; or
    - (c) retain the Animal in the Animal Control Shelter for such further period of time as the Animal Shelter Supervisor may think advisable in the circumstances.
  - (2) Where the Owner of an impounded Animal has advised the Animal Shelter Supervisor that the Owner has no further interest in the Animal, the Animal Shelter Supervisor may destroy the Animal or offer the Animal for sale to a person other than the Owner, notwithstanding that the Animal may then have been in the Animal Control Shelter less than seventy-two (72) hours.
  - (3) Where the Owner of an Animal has advised the Animal Shelter Supervisor or a Bylaw Enforcement Officer that the Owner has no further interest in the Animal and requests the Animal Shelter Supervisor or a Bylaw Enforcement Officer to pick up the Animal and take it to the Animal Control Shelter, the Animal Shelter Supervisor or a Bylaw Enforcement Officer shall comply with such request upon receipt from the Owner of the Pick Up Fee as set out in Schedule "C" of this Bylaw, as soon as practicable having regard to the human resources available to the Animal Shelter Supervisor or a Bylaw Enforcement Officer and the space available for Animals in the Animal Control Shelter.
  - (4) For the purpose of calculating the length of time an Animal has been impounded, statutory holidays shall not be included in the calculation.
  - (5) The Animal Shelter Supervisor shall not sell any impounded Animal:
    - (a) to a resident of the City, unless at the time of purchasing the Animal that person fulfils all licensing requirements under this Bylaw including payment of the license fee prescribed in Schedule "A" to this Bylaw; or

- (b) to any other person, unless that person furnishes proof to the satisfaction of the Animal Shelter Supervisor that the person is not a resident of the City and that the Animal will be kept outside the City.
- (6) Upon any sale of an Animal by the Animal Shelter Supervisor in accordance with the provisions of this Bylaw, the person purchasing the Animal shall be conclusively deemed the Owner and all claims or rights of ownership of any other person are extinguished by and at the time of the sale.
- (7) Whenever the Animal Shelter Supervisor destroys an Animal in accordance with the provisions of this Bylaw the Owner shall be liable to pay the fee for destroying an Animal as set by the Animal Shelter Supervisor, and in every case where the said fee has not been paid prior to the destruction of the Animal, the Animal Shelter Supervisor may present the Owner with a bill or invoice therefore which shall be paid in full by the Owner within thirty (30) days of receipt of it.
- (8) Notwithstanding any other provision of this section, no Animal impounded as evidence pursuant to subsection 44(2) of this Bylaw shall be sold or destroyed until the judicial proceedings associated therewith have been finally determined.
- (9) When a dog wearing a Dog Tag or a cat wearing a Cat Tag is impounded, the time during which the dog or cat must be kept in the Animal Control Shelter before it may be destroyed or offered for sale shall not commence to run until a Bylaw Enforcement Officer has served a notice pursuant to subsection 45(1) of this Bylaw, and where such notice is mailed the time shall not commence to run until the notice is deemed to have been received pursuant to the provisions of subsection 45(2) of this Bylaw.

## **MISCELLANEOUS**

### **ANIMAL CRUELTY**

49. No person shall do any thing or omit to do any thing where such act or omission has or may have the effect of teasing, tormenting or annoying an Animal.

## **OFFENCES AND PENALTIES**

### **GENERAL PENALTY PROVISIONS**

- 50.
- (1) Where a Bylaw Enforcement Officer believes on reasonable and probable grounds that a person has contravened any provision of this Bylaw the Bylaw Enforcement Officer may commence proceedings by issuing a summons by means of a violation ticket in accordance with Part 2 of the *Provincial Offences Procedure Act* R.S.A. 2000 c. P-34.

- (2) The specified penalty in respect of a contravention of this Bylaw is the amount set out in Schedule "D" of this Bylaw.
  - (3) Pursuant to subsection 27(2)(d) of the *Provincial Offences Procedure Act*, if the summons issued by a Bylaw Enforcement Officer under subsection (1) so provides, the person named in a summons may make a voluntary payment in the specified amount set out in Schedule "D" of this Bylaw, and upon making the voluntary payment, that person is not required to appear before a justice to answer the summons.
- 51.
- (1) A person who contravenes any provision of this Bylaw is guilty of an offence and liable upon conviction to pay a fine of not less than the minimum penalty set out in Schedule "D" of this Bylaw and not more than Ten Thousand Dollars (\$10,000.00) or in default of payment to imprisonment for a period of not more than one year.
  - (2) Payment of any fine or imprisonment for any period of time, pursuant to the provisions of this Bylaw, shall not relieve any person from the obligation to pay any fees, charges or costs for which that person is liable under the provisions of this Bylaw.
  - (3) Payment of any fine or imprisonment for any period as provided for in this Bylaw shall not relieve any person from any civil liability whatsoever which may arise by reason of that person's contravention of any provision of this Bylaw.
  - (4) A Judge, in addition to the penalties otherwise provided in this Bylaw, may, if the Judge considers it necessary in the public interest, direct or order the Owner of an Animal to take measures to ensure that the Animal stops doing or repeating the act complained of, or to have the Animal removed from the City, or to have the Animal destroyed.
  - (5) A Judge, after convicting the Owner of a dog of an offence under this Bylaw, may, in addition to any other penalties imposed or orders made, without further notice or hearing, declare the dog to be a Vicious Dog.
52. On the coming into force of this Bylaw, a license issued under a provision of Bylaw No. 3183 or Bylaw No. 3382 of the City of Medicine Hat is deemed to be a license issued under the provisions of this Bylaw.
53. On the coming into force of this Bylaw, a dog declared to be a Vicious Dog under Bylaw No. 3183 is deemed to be a Vicious Dog under this Bylaw.
54. On the coming into force of this Bylaw, a dog deemed to be a Nuisance Dog under Bylaw No. 3183 is deemed to be a Nuisance Animal under this Bylaw.

55. Bylaw No. 3183 and Bylaw No. 3382 of the City of Medicine Hat are repealed.

56. This Bylaw shall come into force on January 1, 2011.

**READ A FIRST TIME** in open Council on August 17, 2009.

**READ A SECOND TIME** in open Council on August 16, 2010.

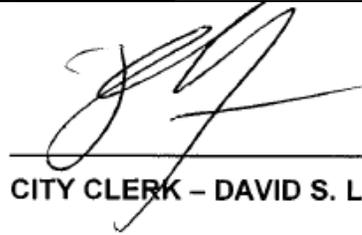
**READ A THIRD TIME** in open Council on August 16, 2010.

**SIGNED AND PASSED** on August 17, 2010.



MAYOR – NORM BOUCHER





CITY CLERK – DAVID S. LEFLAR

**SCHEDULE "A"**

**LICENCE FEES**

ONE TIME FEES (license valid for the life of the Animal)

Male or Female dog or cat – spayed or neutered	\$150.00
Male or Female dog or cat – spayed or neutered with microchip	\$80.00

YEARLY FEES (license valid for one year from the date of issuance)

Male or Female dog or cat Spayed or neutered	\$ 15.00
Male or Female dog or cat – between the ages of 3 to 6 months Not spayed or neutered	\$ 15.00
Male or Female dog or cat – six months of age or older Not spayed or neutered	\$ 50.00
Nuisance Animal as defined by this Bylaw	\$ 150.00
Vicious Dog as defined by this Bylaw	\$ 500.00
Replacement Tag	\$ 5.00

**SCHEDULE "B"**

**FORM OF NOTICE OF ANIMAL SEIZURE**

TO: (Insert name of Owner and address of Owner as shown on the records of the City of Medicine Hat)

TAKE NOTICE that an animal bearing City of Medicine Hat Dog Tag / Cat Tag No. \_\_\_\_\_ registered under the above name and address was impounded on \_\_\_\_\_, pursuant to the provisions of Bylaw No. 3935 of the City of Medicine Hat (the "Responsible Animal Ownership Bylaw") and that, unless this animal is reclaimed and all applicable charges are paid on or before \_\_\_\_\_, the animal may be sold, destroyed or otherwise disposed of pursuant to the Responsible Animal Ownership Bylaw without further notice to you.

The animal may be reclaimed at the SPCA facility located at 55 Southwest Drive S.W. Medicine Hat, Alberta. The telephone number for the SPCA is (403) 526-7722.

\_\_\_\_\_  
Bylaw Enforcement Officer

**SCHEDULE "C"**

**AMOUNTS PAYABLE TO THE ANIMAL SHELTER SUPERVISOR FOR CARE AND SUSTENANCE OR RECLAIMING AN ANIMAL AT THE ANIMAL CONTROL SHELTER, OR TO HAVE AN ANIMAL PICKED UP BY THE ANIMAL SHELTER SUPERVISOR OR A BYLAW ENFORCEMENT OFFICER AND TRANSPORTED TO THE ANIMAL CONTROL SHELTER**

Impoundment Fees:

Male or Female dog or cat – spayed or neutered	\$25.00
Male or Female dog or cat – not spayed or neutered	\$50.00
Other Animal	\$25.00
Care and Sustenance	As set pursuant to Section 46
Veterinary Expenses	Amount expended
Pick up Fee	\$50.00

**SCHEDULE "D"****OFFENCE PENALTIES**

<b>SECTION</b>	<b>OFFENCE</b>	<b>MINIMUM PENALTY</b>	<b>SPECIFIED PENALTY</b>
3(1)	Unlicensed Dog	\$ 250.00	\$ 500.00
3(5)	Dog not wearing Dog Tag	\$ 150.00	\$ 150.00
3(6)	Improper use of a Dog Tag	\$ 150.00	\$ 150.00
6(1)(a)	Failure to apply for a Vicious Dog license	\$ 1,500.00	\$ 2,000.00
6(1)(b)	Failure to have a microchip implanted in a Vicious Dog	\$ 1,500.00	\$ 2,000.00
6(1)(c)	Failure to provide Vicious Dog microchip information to Chief of Police	\$ 350.00	\$ 500.00
6(1)(d)	Failure to pay license fee for Vicious Dog	\$ 1,500.00	\$ 2,000.00
6(3)	Failure to renew license for Vicious Dog	\$ 1,500.00	\$ 2,000.00
7(1)	Unlicensed cat	\$ 250.00	\$ 500.00
7(5)	Cat not wearing Cat Tag	\$ 150.00	\$ 150.00
7(6)	Improper Use of a Cat Tag	\$ 150.00	\$ 150.00
10	Failure to notify Bylaw Enforcement Department of changes to license information	\$ 150.00	\$ 150.00
14(1)	Animal Running at Large	\$ 150.00	\$ 150.00
14(2)	Causing or Permitting the Running at Large of an Animal	\$ 150.00	\$ 150.00
15(2)(a)	Dog not under control in off-leash area	\$ 150.00	\$ 250.00
15(2)(b)	Vicious Dog or Nuisance Animal off leash in off-leash area	\$ 1,500.00	\$ 1,500.00
15(4)	Using off-leash area contrary to posted signage	\$ 150.00	\$ 150.00
16(a)	Animal bites or chases a person or other Animal	\$ 350.00	\$ 500.00
16(b)	Animal bites or chases a motor vehicle or bicycle	\$ 150.00	\$ 150.00
16(c)	Animal which barks, howls or otherwise comports to disturb a person	\$ 150.00	\$ 150.00
16(d)	Animal which barks, howls or otherwise comports to cause any person to fear for their physical safety	\$ 350.00	\$ 500.00

<b>SECTION</b>	<b>OFFENCE</b>	<b>MINIMUM PENALTY</b>	<b>SPECIFIED PENALTY</b>
16(e)	Animal which bites a person causing Severe Injury	\$ 2,500.00	\$ 3,500.00
16(f)	Animal which causes the death of another Animal	\$ 2,000.00	\$ 2,500.00
16(g)	Animal which causes damage to property or injury to person or other Animal	\$ 350.00	\$ 500.00
16(h)	Animal within floral area or disturb or destroy vegetation or Animal habitat in a Park	\$ 150.00	\$ 150.00
16(i)	Animal which enters a swimming pool, wading pool, water park or a body of water in a Park	\$ 150.00	\$ 150.00
16(j)	Animal on cemetery property	\$ 150.00	\$ 150.00
16(k)	Animal on property where prohibited by sign	\$ 150.00	\$ 150.00
16(l)	Animal which upsets waste receptacle or scatters waste	\$ 150.00	\$ 150.00
17	Animal unattended and unrestrained in motor vehicle	\$ 150.00	\$ 150.00
18	Failure to supply suitable ventilation	\$ 150.00	\$ 250.00
19	Animal in open box area of truck or trailer while truck or trailer is in motion	\$ 150.00	\$ 150.00
20	Animal unattended in open box area of truck or open trailer while parked	\$ 150.00	\$ 150.00
22	Animal unattended while tethered or tied on premises accessible to the public	\$ 150.00	\$ 150.00
23	Animal left tethered or tied in residential yard when no one at home	\$ 150.00	\$ 250.00
24	Animal tethered or tied in residential yard gets closer than 1.5 metres to the property line	\$ 150.00	\$ 150.00
26	Failure to comply with direction	\$ 350.00	\$ 500.00
28(1)(a-d)	Vicious Dog that threatens, chases, bites or injures a person or other Animal	\$ 2,000.00	\$ 2,500.00
28(1)(e)	Vicious Dog that damages or destroys property	\$ 1000.00	\$ 1500.00
28(2)(a)	Failure to keep Vicious Dog under proper indoor confinement	\$ 1,500.00	\$ 2,000.00
28(2)(b)	Failure to keep Vicious Dog in Controlled Confinement	\$ 1,500.00	\$ 2,000.00

<b>SECTION</b>	<b>OFFENCE</b>	<b>MINIMUM PENALTY</b>	<b>SPECIFIED PENALTY</b>
29(a)(b)	Failure to keep Vicious Dog muzzled and properly secured on a Leash	\$ 1,500.00	\$ 2,000.00
30	Vicious Dog Running at Large	\$ 1,500.00	\$ 2,000.00
31(1)	Failure to obtain and maintain insurance	\$ 1,500.00	\$ 1,500.00
31(2)	Failure to provide proof of insurance	\$ 350.00	\$ 500.00
32(1)	Failure to clean up Animal defecation	\$ 250.00	\$ 350.00
32(2)	Failure to carry suitable means of removing dog feces	\$ 75.00	\$ 100.00
33	Failure to keep property in a clean and tidy condition	\$ 150.00	\$ 250.00
34	Failure to comply with Infectious Physical Condition restrictions	\$ 350.00	\$ 500.00
35	Failure to have up to date rabies vaccinations	\$ 350.00	\$ 500.00
36	Failure to supply vet records	\$ 150.00	\$ 150.00
37(1)	Harbour excessive number of dogs or cats	\$ 150.00	\$ 250.00
38(1)(a)	Set a cat trap if below 0° C or forecast to be below 0° C over 72 hour period	\$ 150.00	\$ 150.00
38(1)(b)	Set cat trap in unshaded area	\$ 150.00	\$ 150.00
38(1)(c)	Failure to check, close and render inoperable a cat trap	\$ 150.00	\$ 150.00
38(1)(d)	Set cat trap outdoors when person not residing and present at property	\$ 150.00	\$ 150.00
38(2)	Taint cat trap bait	\$ 150.00	\$ 150.00
38(3)	Failure to notify next door neighbors of cat trap	\$ 150.00	\$ 150.00
38(4)	Failure to turn trapped cat over to Bylaw Enforcement Officer or SPCA	\$ 150.00	\$ 150.00
39	Keep livestock in unauthorized area	\$ 150.00	\$ 150.00
44(4)	Obstruction of enforcing authorities	\$ 350.00	\$ 500.00
49	Teasing, tormenting or annoying an Animal	\$ 350.00	\$ 500.00