

A BY-LAW OF THE VILLAGE OF CLYDE  
IN THE PROVINCE OF ALBERTA  
PROVIDING FOR  
THE LICENSING, REGULATING AND  
CONFINEMENT OF CERTAIN ANIMALS

PURSUANT to authority vested by the Municipal Government Act, Chapter M-26, R.S.A. 2000, and amendments thereto, the Municipal Council of the Village of Clyde, in the Province of Alberta, duly assembled, HEREBY ENACTS AS FOLLOWS:

**SECTION 1: SHORT TITLE**

1.1 This By-law may be cited as the "Animal Control By-law".

**SECTION 2: DEFINITIONS**

2.1 "Animal" means any vertebrate, but excluding the following:

- (a) Humans and fish;
- (b) a wildlife animal as defined in the Wildlife Act, R.S.A. 2000, C. W-10, and which is held live under a permit issued pursuant to the Wildlife Act or the keeping of which is otherwise subject to permit requirements under the Wildlife Act;
- (c) the following organisms, commonly used as domestic pets: cats, hamsters, rabbits, domestic mice, birds.

For greater certainty, if the provincial government revises those animals that are wildlife animals referred to above, the term wildlife animal as referred to in this section shall be deemed to be as revised by the provincial legislation.

2.2 "Animal Control Officer" means a By-law Enforcement Officer appointed by the Municipality to do any act or perform any duties under this By-law and includes a member of the Royal Canadian Mounted Police, an independent contractor who is under contract with the Municipality to provide By-law enforcement services and, when authorized, a special constable or Peace Officer.

2.3 "Animal Shelter" means premises designated by the Municipality for the impoundment and care of Animals and includes premises supplied by an independent contractor under contract with the Municipality to provide such premises.

2.4 "At Large" means

- (a) where an Animal is at any place other than the Owner's Property or Permitted Property and is not being carried by any person or is not otherwise restrained by a Permitted Leash held by a person, and that Permitted Leash is attached to a choke chain, collar or harness securely holding that Animal. If it is difficult for a person to restrain the Animal by a Permitted Leash, then the Animal shall be deemed to be "At Large" notwithstanding the presence of a Permitted Leash.

- (b) Notwithstanding the above an Animal may be determined, by an Animal Control Officer, to be At Large if said Animal is on the property of the Owner, but is not under the direct supervision of the Owner and due to not being under the direct supervision of the Owner the Animal may leave the property line of said property at any time.
- 2.5 “Controlled Confinement” means the confinement of an Animal in a pen, cage or building or securely tethered in a manner that will not allow the Animal to bite, harm or harass any person or animal.
- 2.6 “Council” means the Municipal Council of the Village of Clyde.
- 2.7 “Day” means a continuous period of twenty-four (24) hours.
- 2.8 “Damage to Property” means damage to property other than the Owner’s Property, and includes defecating or urinating on such property.
- 2.9 “Dangerous Dog” means any dog that an Animal Control Officer determines on reasonable grounds to be a dangerous dog, either through personal observation or on the basis of facts determined after an investigation initiated by a complaint.
- 2.10 “Dog” Means a male or female animal of the canine species and includes an animal that is a cross between a wolf and a dog or a coyote and a dog or a combination thereof.
- 2.11 “Former Owner” means the person who, at the time of impoundment, was the owner of the Animal.
- 2.12 “Housed and Confined” means to confine a female Animal during the whole period of time that such Animal is in heat in such a manner that the Animal will not be a source of attraction to the other Animals.
- 2.13 “Kennel” means any place, owned by a person, group of persons or corporation engaged in the commercial business of breeding, buying, selling or boarding Animals.
- 2.14 “License” means an Animal License issued by the Municipality in accordance with the provisions of this By-law.
- 2.15 “License Fee” means the applicable fee payable in respect of a License for any particular Animal as set out in the Village of Clyde Rates, Fees and Charges By-law, which may be amended from time to time..
- 2.16 “License Tag” means an identification tag issued by the Municipality showing the license number for a specific Animal.
- 2.17 “Municipality” means the Village of Clyde.
- 2.18 “Muzzle” means a humane fastening or covering device of adequate strength over the mouth of an animal to prevent it from biting.

- 2.19 "Nuisance Dog" means any Dog in respect of which there have been two or more conviction for offences under this By-Law or a dog whose Owner has plead guilty to more than two (2) offences under this By-law.
- 2.20 "Owner" means:
- (a) a person who has the care or care giver, charge, custody, possession or control of an Animal;
  - (b) a person who owns or who claims any proprietary interest in an Animal;
  - (c) a person who harbors, suffers or permits an Animal to be present on any property owned, occupied or leased by him, or which is otherwise under his control;
  - (d) a person who claims and receives an Animal from the custody of the Animal Shelter or an Animal Control Officer; or
  - (e) a person to whom a License Tag was issued for an Animal in accordance with this By-law;
- and for the purposes of this By-law an Animal may have more than one (1) Owner.
- 2.21 "Owner's Property" means any property in which the Owner of an Animal has a legal or equitable interest or over which the Owner of an Animal has been given the control or use of, by the legal or equitable owner of the property, and which property shall include, without limiting the generality of the foregoing, land, buildings and vehicles.
- 2.22 "Permitted Leash" means a leash adequate to control the Animal to which it is attached, and which leash shall not exceed three (3) metres in length.
- 2.23 "Permitted Property" means private property upon which the Owner of an Animal has the express permission of the Owner of that property to allow the Owner's Animal to be At Large thereon.
- 2.24 "Person" means a human being regarded as an individual.
- 2.25 "Public Property" means all property owned by or under the control and management of the Municipality.
- 2.26 "S.P.C.A." means the Society for the Prevention of Cruelty to Animals.
- 2.27 "Serious Wound" means an injury to a human or animal resulting from the action of an Animal which causes the skin to be broken or flesh to be torn.
- 2.28 "CAO" means the Chief Administrative Officer of the Village of Clyde.
- 2.29 "Violation Tag" means a Municipal violation notice or tag, allowing for a voluntary payment of a Specified penalty to be paid out of court to the Village in lieu of appearing in answer to a summons.
- 2.30 "Violation Ticket" means a ticket issued pursuant to the Provincial Offenses Procedure Act.

**SECTION 3: LICENSING PROVISIONS**

- 3.1 Every person who is or becomes the owner of an animal which is three (3) months of age or older, or takes up residence within the Municipality and who is the owner of an animal which is over the age of three (3) months and which is not currently licensed in accordance with this by-law, shall apply for a license for that animal to the Municipality's office and pay the applicable license fee

within fifteen (15) days of becoming the owner of the said animal, or taking up residence within the Village.

Notwithstanding the above if an animal of any age is found At Large within the Village the owner of said animal shall be responsible for acquiring a license for the Animal in spite of the age.

- 3.2 The Owner is required to obtain the license tag by the 15<sup>th</sup> day of January each year, or on the 15<sup>th</sup> day after which he/she becomes the owner of the Animal.
- 3.3 An Owner of an Animal which is unlicensed, and which is required to be licensed pursuant to this By-law is guilty of an offense.
- 3.4 An Owner shall provide with each application for a License the information as may be required by the Municipality or the Animal Control Officer, and shall include:
- (a) Name, Street and/or postal address of the Owner;
  - (b) Name and description of the Animal to be licensed;
  - (c) Such other relevant and necessary information as may be required by the Municipality in respect to the application.
- 3.5 Any person who provides the Municipality with false or misleading information with respect to the information required in Section 3.4 of this By-law is guilty of an offence.
- 3.6 Every person who becomes the Owner of an Animal which is currently licensed in accordance with the provisions of the Animal By-law shall provide the Municipality with his name, street and/or postal address and the license number of the Animal, within fifteen (15) days of becoming the Owner of the said Animal.
- 3.7 A License issued under this By-law shall not be transferable from one Animal to another, nor from one Owner to another. The License is valid Jan 1<sup>st</sup> to Dec 31<sup>st</sup>.
- 3.8 If the application is approved, and the required License Fee is paid, the Owner will be supplied with a License Tag which shall have a number registered to that Animal.
- 3.9 An Owner shall ensure that the License Tag is securely fastened to a choke chain, collar or harness worn by the Animal, with the License Tag to be worn by the Animal at all times when the Animal is on property other than the Owner's Property unless it is not possible to securely fasten the License Tag (directly or indirectly) to the Animal.
- 3.10 The owner of an Animal which has been duly licensed under the Animal Control By-law may obtain a license tag to replace a tag which has been lost, upon payment of a fee as set out in the Village of Clyde Rates, Fees and Charges By-law.
- 3.11 An Owner of a licensed Animal is guilty of an offence if that Animal is not wearing a License Tag while that Animal is on property other than the Owner's Property unless it is not possible to securely fasten the License Tag (directly or indirectly) to the Animal.
- 3.11.1 The provisions of Sections 3.1 to 3.10, inclusive, shall not apply to persons or animals temporarily in the Municipality for a period not exceeding two (2) weeks per year, nor to holders of a valid

Development Permit issued pursuant to the Land Use By-law providing for a private and/or boarding kennel.

- 3.13 No person is entitled to a refund or a rebate for any License Fee paid.
- 3.14 A license tag shall be valid for a period of one year Jan 1 – December 31, or until the Animal no longer resides in the Municipality.
- 3.15 If the said license tag is not associated with current ownership and the animal information, it shall be deemed invalid.
- 3.16 The Animal Control Officer shall consider all applications for Licenses and may, in his or her discretion:
- (a) require the applicant to submit such information as the Animal Control Officer deems appropriate, including information respecting the Animal, proposed Controlled Confinement of the Animal, the lands where the Animal is to be kept; availability and nature of insurance, a site plan of the lands, and the number of Animals to be kept;
  - (b) reject the application; or
  - (c) approve the application, with or without any conditions relevant to the presence of the Animal(s) at the lands.
- 3.17 The Animal Control Officer may revoke a License if:
- (a) the applicant fails to comply with the conditions of the License;
  - (b) the License was issued on the basis of incorrect information or misrepresentation by the applicant;
  - (c) the License was issued in error;
  - (d) the Owner breaches a provision of this By-law.

#### **SECTION 4: DANGEROUS DOGS**

- 4.1 The owner of a Dangerous Dog shall take all necessary steps to ensure that it does not bite, chase or attack any human being or other animal whether the animal is on the property of the owner or not.
- 4.2 If a Dangerous Dog bites, chases or attacks a human being or animal, the owner shall be guilty of an offence and be liable to a penalty under this by-law, exclusive of any other civil actions or penalties.
- 4.3 (a) When a dog that has been declared a Dangerous Dog is on the premises of its owner, it shall be confined in a securely enclosed and locked pen, or other structure constructed and secured in such a fashion as to prevent the escape of the Dangerous Dog, and to prevent the entry of persons unauthorized by the owner.
- (b) Any such pen shall have a secure top and sides and either:
- (i) have a secure bottom effectively attached to the sides; or
  - (ii) the sides shall be embedded in the ground to a minimum of thirty (30) centimeters.
- (c) When a Dangerous Dog is off the premises of the owner, it shall be securely muzzled, and

shall be either harnessed or leashed securely to effectively prevent it from attacking or biting a human being or other animal; provided that this requirement shall not apply when the Dangerous Dog is in a building or enclosure in attendance at a bona fide dog show, or confined in a pen meeting the requirements of subsections 4.3 (a) and (b).

Any person who fails to meet the requirements of this section is guilty of an offence.

- 4.4 (a) The owner of a dog, which the owner knows or ought to know is a Dangerous Dog, shall ensure that such dog is confined and secured in accordance with the provisions of section 4.3. Any person who fails to do so is guilty of an offence.
- (b) If an Animal Control Officer determines on reasonable grounds that a dog is a Dangerous Dog, either through personal observation or on the basis of facts determined after an investigation initiated by a complaint, he may:
- (i) give the owner a written notice that the dog has been determined to be a Dangerous Dog; and
  - (ii) require the owner to keep such dog in accordance with provisions of section 4.3 (a) and (b) of this By-law upon the owner's receipt of the notice; and
  - (iii) inform the owner that if the Dangerous Dog is not kept in accordance with section 4.3 (a), (b) and (c) of this By-law, the owner will be fined, or subject to enforcement action under this By-law.
  - (iv) inform the owner that the dog must be removed from the Village
- 4.5 An owner of a Dangerous Dog shall:
- (a) Upon the passing of this By-law apply for a yearly Dangerous Dog License and pay the applicable fee as set out the Village of Clyde Rates, Fees and Charges Bylaw;
  - (b) Apply for a Dangerous Dog License each year thereafter;
  - (c) The Owner of a Dangerous Dog shall be subject to the same process, with all the necessary modifications, of licensing a Dog as outlined in Section 3 of this By-law;
  - (d) An Owner of a Dangerous Dog shall apply for and obtain a Dangerous Dog License for such Dog prior to January 15 of each year.
  - (e) Notwithstanding a violation tag or ticket has been issued, and in addition to the licensing fee, any Dangerous Dog License that is expired pursuant to the records of the Village of Clyde as of January 15 of each year there will be added a service charge as outlined in the Village of Clyde Rates, Fees and Charges Bylaw.
  - (f) In the year a Dog, which has been deemed a Dangerous Dog in another Village/Town is acquired, apply for and obtain a Dangerous Dog License and each subsequent year thereafter.
- 4.6 The Owner of a Dangerous Dog at Large is guilty of an offence.
- 4.7 The Owner of an Unlicensed Dangerous Dog, notwithstanding the Dangerous dog Designation is from another town; if the Owner ought to have known the dog was deemed a Dangerous Dog in the other Town, is guilty of an offence.
- 4.8 Where the owner of a dog that has been determined to be Dangerous Dog produces information to the Village By-Law Department, that may alter a determination made under this section, the CAO

shall, as soon as is reasonably possible, cause the matter to be reviewed and make a final determination.

- 4.9 Provisions in this By-Law which apply to Dangerous Dogs shall not apply to dogs owned by a Police service solely by reason of any events or actions which occur while the dogs are engaged in police work.
- 4.10 Nothing in this Section shall prevent a By-law Enforcement Officer from bringing forward an application, to a Provincial Court Judge, in relation to a Dog that has injured (or attempted to injure) any human being, Dog or other animal pursuant to the Dangerous Dog Act or Animal Protection Act of the Province of Alberta without first deeming a Dog Dangerous under this By-law.

### **SECTION 5: ANIMAL CONTROL PROVISIONS**

- 5.1 An Owner whose Animal is At Large is guilty of an offence.
- 5.2 An Owner whose Animal barks or howls or makes another noise thereby disturbing the quiet or repose of any person is guilty of an offence.
- 5.3 An Owner whose Animal has caused Damage to Property within the Municipality is guilty of an offence.
- 5.4 The Municipality may post signs in areas where Animals are not permitted, and an Owner whose Animal is in an area where a sign prohibits the presence of Animals, is guilty of an offence regardless of whether or not such Animal is At Large.
- 5.5 An Owner of an Animal is guilty of an Offence if such Animal:
- (a) bites, attacks, threatens, harasses, barks at, chases, kills, or injures any person including, but not limited to, when such person is on bicycle, horse-back or while walking or running;
  - (b) bites, attacks, threatens, harasses, barks at, chases, kills, or injures any vertebrate or invertebrate belonging to other persons;
  - (c) bites, barks at, or chases any vehicle;
  - (d) barks, howls, or otherwise comports itself in such a fashion as to alarm or cause any person to fear for their physical safety;
  - (e) upsets any waste receptacle or scatters the contents thereof.
- Whether or not the Animal is At Large at the time of the offence the owner is guilty of an offence.
- 5.6 If an Animal defecates on property which is not the Owner's Property, the Owner shall cause such defecation to be removed immediately and disposed of in a sanitary manner, and an Owner who fails to do so is guilty of an offence.
- 5.7 An Owner of an Animal shall carry a suitable means of removing feces at all times while the animal is in the custody of the Owner on property other than the Owner's Property.

- 5.8 An Owner of a female Animal is guilty of an offence if the Owner of such female Animal does not keep it housed and confined in a building or kennel during the entire period such female Animal is in heat except that the female Animal may be allowed outside any such building or kennel for a reasonable period for the sole purpose of eliminating on the Owner's Property.
- 5.9 No person shall tease, torment, annoy, abuse or injure any Animal, and any person who does so is guilty of an offence.
- 5.10 No person shall untie, loosen or otherwise free an Animal which is not in distress unless such person has the authorization of the Owner, and any person acting contrary to this section is guilty of an offence.
- 5.11 No person shall interfere with, hinder or impede an Animal Control Officer in the performance of any duty authorized by this By-law, and any person who does so is guilty of an offence. Furthermore, No person, whether or not she/he is the owner of an Animal which is being or has been pursued or captured, shall:
- (a) Interfere with or attempt to obstruct an Animal Control Officer who is attempting to capture or who has captured an Animal which is subject to being impounded pursuant to the provisions of this by-law; Obstruct for the purpose of this Section shall include but is not limited to blocking or yelling at an Animal Control Officer; or
  - (b) Induce the Animal to enter a house or other place where it may be safe from capture; or
  - (c) Falsely represent himself as being in care or control of the Animal, so as to establish that the Animal is not At Large; or
  - (d) Unlock or unlatch or otherwise open the Animal Control Officer's vehicle in which Animal(s), kept for impoundment, have been placed so as to allow or attempt any animal to escape therefrom.
- 5.12 For greater certainty and to provide clear authority for the Animal Control Officer to perform duties under this By-law, an explicit authority is granted for the Animal Control Officer to enter onto private property to perform any of those duties which are required to be performed under this By-law; however, this authority does not include a private dwelling.
- 5.13 No person shall remove or attempt to remove, any Animal from the possession of an Animal Control Officer, or any person authorized to enforce any of the provisions of the Animal Control By-law.
- 5.14 No person residing within the Village of Clyde shall keep or harbor more than two (2) animals of whatever sex and aged three (3) months or more at the same time on one property, in any house, shelter, room or place within the Village, provided this Section shall not apply to premises lawfully used for the care and treatment of dogs operated by and in charge of a licensed veterinarian, nor to premises for which permission by the Village has been granted for temporary use for the purpose of a dog show, nor to any person who has been granted a permit to operate a kennel within the Municipality. Any person acting contrary to this section is guilty of an offence.



- 5.15 No person shall allow an Animal to be left unattended while tethered or tied up on premises where the public has access, whether the right of access is expressed or implied.
- 5.16 An Owner shall at all times keep the property where an Animal is kept in a clean and tidy condition. For the purpose of this Section, "clean and tidy condition" means clean and tidy from the observation of an Animal Control Officer, acting reasonably. Any person who fails to keep their property in a clean and tidy condition is guilty of an offence.

**NUISANCE ANIMAL**

- 5.17 An Animal Control Officer may, on having reasonable and probably grounds to believe an Animal is a Nuisance Animal, direct the Owner, in writing, to take such action as deemed necessary by the Animal Control Officer to ensure this By-law is not further contravened.
- 5.18 The Owner of a Nuisance Animal who fails to comply with the written direction of an Animal Control Officer pursuant to Section 5.17 is guilty of an Offence.
- 5.19 The Owner of a Nuisance Animal shall take all precautions to ensure that such Nuisance Animal is not left tethered or tied up and allowed to behave in such a fashion that it disturbs the rest, enjoyment or use of another person's property, in a residential yard when no one at that residence is home.
- 5.20 When the Owner of a Nuisance Animal is at home supervising the Nuisance Animal they shall not allow the Nuisance Animal, when tethered or tied up in a residential yard, to get closer than 1.5 meters to the property line.

**SECTION 6: CONTROLLED CONFINEMENT**

- 6.1 A person who has received a Serious Wound or the Owner of any vertebrate or invertebrate which has received a Serious Wound and the Owner of an Animal which has inflicted the Serious Wound shall promptly report the Animal to an Animal Control Officer who may thereupon place the Animal under Controlled Confinement and the Animal shall not be released from such Controlled Confinement except by written permission of a registered veterinarian. At the discretion of the Animal Control Officer, such Controlled Confinement may be on the premises of the Owner, a registered veterinarian within the Municipality, or the Animal Shelter.
- 6.2 Upon demand made by the Animal Control Officer, the Owner shall forthwith surrender for supervised quarantine, any Animal which has inflicted a Serious Wound to any human being, or any Animal which the Animal Control Officer has reasonable and probable grounds to suspect of having been exposed to rabies. The Animal may be reclaimed by the Owner:
- (a) if adjudged free of rabies;
  - (b) upon payment of confinement expenses and payment of any penalties pursuant of this By-law;
  - (c) upon compliance with the licensing provisions of this By-law.

However, if the Animal Control Officer determines that a License will not be issued for the Animal, or if there is no License issued then the Animal shall be treated pursuant to section 7.3 below.

- 6.3 In the event of an outbreak or a threatened outbreak of rabies or any disease affecting Animals which may be transmitted to human beings, the Animal Control Officer, by virtue of this By-law, may direct that all Animals be securely tied up by the Owner or be otherwise effectively confined and prevented from being at large. Any Animal found at large in contravention of this section shall be impounded and the Owner is guilty of an Offence.
- 6.4 Except as herein provided, no person shall kill, or cause to be killed, any rabid Animal, any Animal suspected of having been exposed to rabies, or any Animal which has bitten a human, nor remove such an Animal from the Municipality without prior written permission from the Animal Control Officer.
- 6.5 When, in the judgment of a licensed veterinarian, an Animal should be destroyed for humane reasons, such Animal may not be redeemed, until such Animal has been destroyed.
- 6.6 No action shall be taken against any person acting under the authority of the Animal Control By-law for damages for the destruction or other disposal of any Animal.

#### **SECTION 7: POWERS OF AN ANIMAL CONTROL OFFICER**

- 7.1 A By-law Enforcement Officer may obtain, from a Provincial Court Judge, a warrant to search within a private dwelling or upon any property; upon satisfying the Provincial Court Judge that there are reasonable and probable grounds to believe that there has occurred or is occurring within or upon such private dwelling or property a contravention of the provisions of this By-law. If, upon conducting such search, it appears that a contravention of this By-law is or has occurred, or a number of Animals in excess of the Animals authorized by this By-law are being kept, then upon laying a charge under this By-law the By-law Enforcement Officer, conducting the search, may forthwith remove from the property and impound, as evidence for trial, any number of Animals in excess of the maximum number, or any animal being kept in contravention of this By-law.
- 7.2 An Animal Control Officer is authorized to capture and impound in the Animal Shelter, any Animal which is At Large. The Animal Control Officer is further authorized to take such reasonable measures as are necessary to subdue any Animal which is At Large, including the use of tranquilizer equipment and materials. If any such Animal is injured, it may be taken to a registered veterinarian for treatment and then to an Animal Shelter.

UPON A COMPLAINT BEING RECEIVED, and for the purposes of greater certainty, any Animal which is found in contravention of section 5.2 and/or 5.18, without the Owner being home or someone authorized by the Owner to supervise the Animal being home, the Animal shall be impounded to stop the further contravention of this By-law. Upon removing the Animal from the property the Animal Control Officer shall place an Animal Impounded Notice, as prescribed from time to time by the Village of Clyde, on the property.

7.3 An impounded Animal shall be kept in the Animal Shelter for a period of ninety-six (96) hours. Sundays and Statutory holidays shall not be included in the computation of the ninety-six (96) hour period. During this period, any Animal may be redeemed by its Owner, except as otherwise provided in this By-law, upon payment to the Municipality or its authorized agent of:

- (a) The appropriate impoundment fee as set out in the Village of Clyde Rates, Fees and Charges Bylaw;
- (b) The appropriate penalty as set out in Schedule A of this By-law;
- (c) The appropriate License Fee when the Animal is not licensed; and
- (d) The cost of any veterinary treatment to relieve pain or bleeding of any Animal that is found to be injured when picked up or injured in the process of capture.

However, if no License is issued for the Animal, or the conditions of the License have not been met, the Animal Control Officer is not obliged to release the Animal to the Owner,

7.4 At the expiration of the ninety-six (96) hour period as prescribed in Section 7.2 of this By-law, the Animal Control Officer is authorized to:

- (a) Offer the Animal for sale, or for gift;
- (b) Destroy the Animal in a humane manner;
- (c) Allow the Animal to be redeemed by its Owner in accordance with the provisions of Section 7.2, herein; or
- (d) Continue to impound the Animal for an indefinite period of time or for such further period of time as the Animal Control Officer, in his or her discretion, may decide.

The purchaser of a Animal from the Shelter shall obtain full right and title to it, and the right and title of the Former Owner of the Animal shall cease.

7.5 The discretion to investigate a complaint pursuant to this By-Law lies solely with the Village of Clyde or their agents.

## **SECTION 8: OFFENCE AND PENALTY**

8.1 Any person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and is liable to a fine of not less than \$50.00, and not more than \$10,000.00 or imprisonment for a term of not more than one year, or both.

8.2 Notwithstanding the foregoing, the minimum fine payable in respect of a contravention of this Bylaw shown for any offence referred to in Schedule "A" is the immediately adjacent amount shown in the same schedule.

8.3 When a voluntary payment option is provided, the specified penalty payable in respect of a contravention of this Bylaw shown for any offence referred to in Schedule "A" to this Bylaw is the immediately adjacent amount shown in the same Schedule.

- 8.4 A contravention of this Bylaw constitutes a separate offence in respect of each day or part of a day on which it continues. A person guilty of such offence is liable to a fine in an amount not less than that established by this bylaw for each such day. No proceedings may be instituted under this Bylaw more than 6 months after the last occurrence of the alleged offence.
- 8.5 Any person who contravenes the written direction of an Animal Control Officer or an Order pursuant to this By-law is guilty of an Offence.
- 8.6 Notwithstanding Section 8.1 of this By-law, any person who commits a second offence under this By-law within one (1) year of committing the first offence may be liable to a fine of not less than nor more than the sum as set out in Schedule "A" of this By-law, while any person who commits a third or subsequent offence under this By-law within one (1) year of committing the first offence may be liable to a fine of not less than nor more than the sum as set out in Schedule "A" of this By-law.

**SECTION 9: VICARIOUS LIABILITY**

- 9.1 In this Bylaw, employees, principals, and agents, are each severally liable and each guilty of the offence for any contravention of or any failure to comply with this Bylaw committed in the course of employment or in the course of the agent's exercising powers or performing duties on behalf of their principal. When a corporation contravenes or fails to comply with this Bylaw, every principal, director, officer, manager, employee or agent of the corporation who authorized, assented to, acquiesced, or participated in the act or omission that constitutes the offence is severally liable and guilty of the offence.
- 9.2 In this Bylaw, the legal and beneficial owners of any land are each severally liable and each guilty of the offence if the tenant(s), lessee(s), or occupier(s) of such land contravenes or fail to comply with this Bylaw in relation to such land.
- 9.3 In this Bylaw, the operator and the owner(s) of any vehicle are each severally liable and each guilty of the offence if either of them contravenes or fails to comply with this Bylaw in relation to any such vehicle. In this section "owner" has the same definition as is used in the *Traffic Safety Act*, RSA 2000, c T-6, and all amendments thereto.

**SECTION 10: VIOLATION TAGS AND TICKETS**

- 10.1 The Animal Control Officer is hereby authorized and empowered to issue a Violation Tag to any person who contravenes any provision of the Animal Control By-law.
- 10.2 Such Violation Tag may be issued to such persons either:
- (a) Personally or by leaving a copy for him at his last or usual place of abode; or
  - (b) By mailing a copy to such person at his last known post office address.
- 10.3 The Violation Tag shall be in a form approved by the Municipality and shall state, inter alia:
- (a) The name of the offender;
  - (b) The offence;
  - (c) The date upon which the offence was committed
  - (d) The appropriate penalty for the offence as specified in Schedule "A" to this By-law; and

- (e) That the penalty shall be paid within THIRTY (30) days of the issuance of the Violation Tag.
- 10.4 If payment is received by the Village of Clyde within the period of time permitted by any such Violation Tag, no Information or Violation Ticket may be issued against the same offender for the same offence.
- 10.5 Where a contravention of the Animal Control By-law is of a continuing nature, further Violation Tags for the same offence may be issued by the Animal Control Officer, provided however, that no more than one Violation Tag shall be issued for each day that the contravention continues.
- 10.6 Where a Violation Tag is issued pursuant to either Section 9.1 or 9.5 of the Animal Control By-law, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Municipality the sum specified on the Violation Tag.
- 10.7 Except where a Violation Tag has been paid as prescribed herein, nothing in this Bylaw shall limit a Peace Officer's discretion to issue a Violation Ticket pursuant to the *Provincial Offences Procedures Act*, RSA 2000, c P-34 and all amendments thereto, or instead lay an Information pursuant to the *Criminal Code*, RSA 1985, c C-46 and all amendments thereto, at any time within 6 months of the last occurrence of the offences, regardless of whether or not a Violation Tag has been issued.
- 10.8 Any Peace Officer, in that Officer's sole discretion, is authorized to issue a Violation Ticket which permits the voluntary payment of the fine or specified penalty indicated thereon in the manner specified by the *Provincial Offences Procedures Act*, RSA 2000, c P-34 and all amendments and regulations thereto.
- 10.9 The Violation Ticket must be in the form prescribed under the Act and must include both a complaint and a summons.
- 10.10 Any fine or penalty imposed upon conviction for any offence occurring within the Village of Clyde ensures to the benefit of the Village of Clyde.

**SECTION 11: GENERAL**

- 11.1 This By-law shall not apply to :
- (a) the animals kept at a zoo, or being securely transported within a motor vehicle to or from a zoo;
  - (b) the animals kept at any veterinary clinic, or being securely transported within a motor vehicle to or from a veterinary clinic.
- 11.2 Should any provision of this By-law be invalid, then such invalid provision may be severed and the remaining By-law shall be maintained.

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ANIMAL CONTROL BY-LAW

- 11.3 An applicant is responsible for and is not excused from ascertaining and complying with the requirements of any Federal, Provincial or other Municipal legislation, including the Municipality's Land-Use By-law. Where the keeping of the Animals would not comply with any Federal, Provincial or other Municipal legislation, the Animal Control Officer may refuse to issue a License.
- 11.4 Payment of any fine as provided for in this By-law shall not relive any person from any civil liability whatsoever, which may arise by reason of that person's contravention of any provision of this By-Law.
- 11.4 This By-law hereby rescinds By-law 2016-03.
- 11.5 This By-law shall come into force and effect upon the date of the passing of the third and final reading, and shall apply to notwithstanding the presence of the Animal in the Municipality prior to that date.

**SECTION 12: AMENDMENTS**

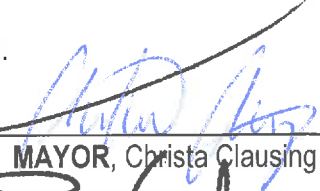
- 12.1 The Council of the Village of Clyde, by by-law or resolution in Council, alter, amend or repeal any or all of the Schedules, which form part of the by-laws.

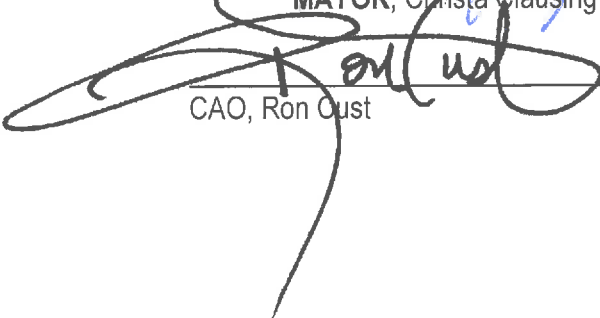
READ A FIRST TIME THIS 9th DAY OF November 2020

READ A SECOND TIME THIS 9th DAY OF November, 2020.

UNANIMOUS CONSENT FOR THIRD READING ON THIS 9th DAY OF November, 2020.

READ A THIRD TIME THIS 9th DAY OF November, 2020.

  
 \_\_\_\_\_  
 MAYOR, Christa Clausing

  
 \_\_\_\_\_  
 CAO, Ron Cust

SCHEDULE "A"

**PENALTIES**

<b>SECTION</b>	<b>OFFENCE</b>	<b>PENALTIES</b>
3.2	Owner of an unlicensed Animal	\$100.00
3.4	Providing false or misleading information	\$250.00
3.10	Owner of a licensed Animal not wearing License Tag while off the Owner's property	\$ 50.00
5.11.1	Owner of a Dangerous Dog which bites, chases or attacks any human or animal	\$500.00
4.3	Failure of Owner of a Dangerous Dog to keep Animal properly confined	\$ 500.00
4.3	Failure of Owner of a Dangerous Dog to provide a secure pen	\$ 500.00
4.3	Failure of Owner of a Dangerous Dog to keep the Animal muzzled and harnessed or leashed while off of the Owners' property	\$ 500.00
4.6	Owner of a Dangerous Dog at Large	\$500.00
4.7	Owner of an unlicensed Dangerous Dog	\$500.00
5.1	Owner of an Animal At Large:	
	(a) Unlicensed Animal	\$ 250.00
	(b) Licensed Animal	\$ 100.00
5.2	Owner of an Animal which barks or howls or makes another noise thereby disturbing the quiet or repose of any person	\$ 250.00
5.3	Owner of an Animal which causes Damage to Property	\$200.00(plus costs)
5.4	Owner of an Animal which is present in an area where the presence of Animals is prohibited by sign	\$ 50.00
5.5(a)	Owner of an Animal which bites, attacks, threatens, harasses, barks at, chases, kills, or injures any person	\$1000.00
5.5(b)	Owner of an Animal which bites, attacks, threatens, harasses, barks at, chases, kills, or injures any vertebrate or invertebrate	\$500.00(plus costs)

PROVINCE OF ALBERTA

	ANIMAL CONTROL BY-LAW
5.5 (c) Owner of an Animal which bites, barks at, or chases any vehicle	\$100.00
5.5 (d) Owner of an Animal that barks howls or comports itself in an alarming Fashion	\$100.00
5.5 (e) Owner of an Animal that upset any waste receptacle	\$100.00
5.6 Failure of Owner to remove defecation immediately from which property not the Owner's property, and disposed of in a sanitary manner	\$100.00
5.7 Failure to carry suitable means of removing defecated matter	\$100.00
5.8 Failure of Owner to keep a female Animal in heat housed and confined to building or kennel	\$ 50.00
5.9 Teasing, tormenting, annoying, abusing, or injuring any animal	\$ 250.00
5.10 Untying, loosening or otherwise freeing an animal without the Owner's authorization	\$500.00
5.11 Interfering with, impeding or hindering an Animal Control Officer's enforcement of this By-law	\$500.00
5.13 Removing or attempting to remove any Animal from the possession of an Animal Control Officer	\$500.00
5.14 Excessive number of Animals	\$500.00
5.15 Leave Animal tied up at public access	\$75.00
5.16 Fail to keep yard of animal in a clean and tidy condition	\$75.00
5.18 Fail, refuse to comply with written direction with respect to a Nuisance Animal	\$500.00
5.19 Nuisance animal in yard when no Owner at home disturbs Another person	\$100.00
5.20 Nuisance animal allowed to be within 1.5 meters of a property line	\$100.00
6.1 Fail to report an animal attack to a By-law Enforcement Officer	\$500.00
6.2 Fail to surrender an animal at request of a By-law Enforcement Officer	\$500.00
6.3 Animal at large at a time when a rabies outbreak order has been placed	\$500.00



PROVINCE OF ALBERTA

## ANIMAL CONTROL BY-LAW

6.4	Destroy an Animal without written consent	\$500.00
8.5	Failure to Comply with Enforcement Order	\$250.00
8.6	Second or subsequent offence within one year of the first offence	Double the specified penalty for the first offence
8.6	Third or subsequent offence within one year of the first offence	Triple the specified penalty for the first offence
	An offence for which a penalty is not otherwise provided in Schedule "A" of this By-law	\$ 75.00
	Administrative surcharge if payment of penalty charged is not received by the municipality within 30 days of date of issuance of Violation Tag	\$20.00 or 20% of the specified penalty, whichever amount is greater