

City of Lacombe
Bylaw 469

A Bylaw of the City of Lacombe, in the Province of Alberta (hereinafter referred to as “the City”), to authorize the regulation, licensing and control of animals and livestock within the corporate limits of the City of Lacombe.

WHEREAS, Council of the City of Lacombe deems it necessary and desirable to regulate and control animals and to provide for the services, controls and conditions on certain animals; and

WHEREAS the Municipal Government Act - Revised Statutes of the Province of Alberta 2000, Chapter M-26, s. 7 authorizes a Council to pass bylaws for the purpose of preventing the spread of animal diseases that are communicable to human beings and for providing the restraining and regulating of animals running at large; and

WHEREAS, pursuant to the Municipal Government Act, R.S.A. 2000, c M-26, s.8 a municipality shall pass Bylaws regulating, prohibiting and providing for a system of licenses, permits or approvals, including any and all of the matters listed herein;

NOW THEREFORE, the Council of the City of Lacombe, duly assembled hereby enacts as follows:

1. BYLAW TITLE

1.1. The bylaw shall be referred to as “Responsible Animal Ownership Bylaw”

2. SCHEDULES

2.1. Schedule A – License Fees is attached and forms part of this bylaw.

2.2. Schedule B – General Penalties is attached and forms part of this bylaw.

2.3. Schedule C – Vicious and Nuisance Animal Penalties is attached and forms part of this bylaw.

2.4. Schedule D - Dr. Ian Dunbar’s Aggression Scale is attached and forms part of this bylaw.

3. DEFINITIONS

In this bylaw:

3.1. “Altered” means neutered or spayed.

3.2. "Animal" means any bee, bird, reptile, amphibian or mammal excluding humans, livestock and wildlife.

3.3. "Animal Protection Act" means the Animal Protection Act as amended and as contained in Chapter A-41 RSA 2000 of the Revised Statutes of Alberta, and regulations therein.

3.4. "Animal Shelter" means the premises designated by the City for the purpose of impounding and caring for all dogs and cats found to be contravening any section of this bylaw.

3.5. "Animal Shelter Keeper" means a person hired or contracted by the CAO specifically charged with the responsibilities of maintaining the designated Animal Shelter.

3.6. "Apiary" means a shelter in which a colony or colonies of Bees are housed.

3.7. "Apiculture" means the keeping of and management of Bees.

3.8. "Attack" means an assault resulting in bleeding, bone breakage, sprains, serious bruising, or multiple injuries.

- 3.9. "Bee" means the insect *Apis mellifera* L.
- 3.10. "Bite" means wound to the skin causing it to bruise, puncture, or break.
- 3.11. "Bylaw Enforcement Officer" means any Police Officers, Bylaw Enforcement Officer, Community Peace Officer or anyone authorized by the CAO to act on their behalf.
- 3.12. "CAO" means a person appointed by the Council of the City of Lacombe as the Chief Administrative Officer or their designate.
- 3.13. "Cat" means any domesticated male or female member of the feline family.
- 3.14. "Cemetery" means cemeteries in the City of Lacombe owned and operated in accordance with the Act by and under the control of the City.
- 3.15. "Chicken License" means a license issued by the CAO or a designated License Officer pursuant to this Bylaw authorizing the license holder to keep Urban Chickens on a specific property within an Urban Area.
- 3.16. "City" means the City of Lacombe, a municipal corporation of the Province of Alberta, and includes the area contained within the boundaries of the city where the context so requires.
- 3.17. "Communicable Diseases" means diseases that can be passed from animal to animal and zoonotic diseases.
- 3.18. "Coop" means a fully enclosed weatherproof structure used for the keeping of Urban Chickens that is no larger than 10 m² in floor area, and no more than 2.4 m in height.
- 3.19. "Council" means the duly elected municipal Council of the City of Lacombe.
- 3.20. "Dangerous Dogs Act" means the Dangerous Dogs Act as amended and as contained in Chapter D-3 of the Revised Statutes of Alberta, 2000, and regulations therein.
- 3.21. "Dog" means any domesticated male or female member of the canine family.
- 3.22. "Domestic Animal" means a domesticated animal that lives and breeds in a tame condition and, without restricting the generality of the foregoing, shall, include a Dog and a Cat and shall not include Livestock or Wildlife.
- 3.23. "Exotic Animals" means an animal not indigenous to Canada and not kept as a household pet in Canada, whether or not such animal is a "wild animal" defined herein.
- 3.24. "Former Owner" means the person who at the time of impoundment was the owner of an animal which has subsequently been sold, surrendered, donated or destroyed.
- 3.25. "Golf Course" means land which is set aside for the playing of the game of golf and upon which the game of golf is played, whether golfers are actively on the course or not.
- 3.26. "Heat" means a recurring period of sexual receptivity in many female mammals.
- 3.27. "Hen" means a domesticated female chicken.
- 3.28. "Immunization" means vaccinations against rabies, distemper, hepatitis, parvovirus, para influenza, leptospirosis (DHPPL).
- 3.29. "Impounded" means taken into the custody of a Bylaw Enforcement Officer or the Animal Shelter as designated by the CAO.
- 3.30. "Justice" has the meaning as defined in the Provincial Offences Procedure Act R.S.A 2000, c.P-34, as amended or replaced from time to time.

- 3.31. "Kennel" means an establishment operated by any person, group of persons, or corporation engaged in the business of breeding, buying, selling, training or boarding of animals.
- 3.32. "Leash" means a chain or other material capable of restraining and in control of the animal on which it is tethered to it, no longer than two (2) meters in length.
- 3.33. "License Tag" means the metal or other fabricated medallion issued by the City upon payment of the current fees as ascribed by this bylaw.
- 3.34. "License Officer" means any person or persons designated by the CAO with the responsibility of issuing dog, cat and urban hen licenses.
- 3.35. "Livestock" includes, but is not limited to:
- a) a horse, mule, donkey, swine, emu, ostrich, camel, llama, alpaca, sheep or goat,
 - b) domestically reared or kept deer, reindeer, moose, elk, or bison,
 - c) farm bred fur bearing animals including foxes or mink,
 - d) animals of the bovine species,
 - e) animals of the avian species including chickens (non-licensed), turkeys, ducks, geese, or pheasants, and
 - f) all other animals that are kept for agricultural purposes, but does not include cats, dogs or other domesticated household pets.
- 3.36. "Microchipped" means a process of inserting a frequency emitting chip into the body of an animal for the purpose of identifying the owner of that animal.
- 3.37. "Motor Vehicle" has the meaning defined in the Traffic Safety Act, RSA 2000, c T-6, as amended or replaced from time to time.
- 3.38. "Municipal Ticket" means a form prescribed by the CAO allowing for voluntary payment to the City for a fine amount established by this bylaw.
- 3.39. "Muzzle" means a device of sufficient strength placed over an animal's mouth to prevent it from biting.
- 3.40. "Nuisance Animal" means an animal declared to be a nuisance by a Bylaw Enforcement Officer in accordance with Section 6.
- 3.41. "Off-Leash Area" means an area designated by Council within where dogs are permitted to run off-leash, or designated areas where organized and controlled dog events may be held by signs posted in such areas indicating such designations.
- 3.42. "Owner" means any natural person or body corporate who:
- a) is the licensed Owner of the animal;
 - b) has legal title to the animal;
 - c) has possession or custody of the animal, or allows it to remain permanently on or about their premises.
- 3.43. "Outdoor Enclosure" means a securely enclosed outdoor area attached to a Coop having a bare earth or vegetated floor for Urban Chickens to roam.
- 3.44. "Park" means a public space controlled by the City and set aside as a park to be used by the public for rest, recreation, exercise, pleasure, amusement, and enjoyment and includes:
- a) Playgrounds;
 - b) Cemeteries;
 - c) Natural areas;
 - d) Sports Fields;
 - e) Pathways;

- f) Park roadways;
 - g) but does not include Golf Courses.
- 3.45. "Pathway" means a multi-purpose thoroughfare controlled by the City and set aside for use by pedestrians, cyclists and persons using wheeled conveyances, which is improved by asphalt, concrete, mulch, brick, or any other surface, whether or not it is located in a Park, and includes any bridge or structure with which it is contiguous.
- 3.46. "Peace Officer" means any Lacombe Police Service member, RCMP member, Community Peace Officer or Bylaw Enforcement Officer.
- 3.47. "Provincial Court" means the Provincial Court of Alberta.
- 3.48. "Provincial Offences Procedure Act" means the Provincial Offences Procedure Act, being Chapter P-34 of the Statutes of Alberta, 2000 as amended.
- 3.49. "Rooster" means a domesticated male chicken.
- 3.50. "Running at Large" means:
- a) off the premises of the Owner and not in an Off Leash Area; and
 - b) not on a permitted leash held by a person able to control the animal.
- 3.51. "Running at Large in an Off Leash Dog Area"
- a) in an Off Leash Dog Area; and
 - b) not within sight, or under the control of the Owner.
- 3.52. "Service Dog" has the meaning as defined in the Service Dogs Act, S.A 2007, C.S-7.5, as amended or replaced from time to time.
- 3.53. "Severe Injury" includes any injury resulting in broken bone or bones, disfiguring lacerations, sutures, cosmetic surgery, scars, and further includes any other injury as determined to be severe by a Court upon hearing the evidence.
- 3.54. "Sports Field" means land within the City and controlled by the City which is set apart and used for the playing of sport including, but not limited to, baseball diamonds, field hockey or cricket pitches, and rugby, soccer or football fields.
- 3.55. "Stray Animal Act" means the Stray Animal Act as amended and as contained in Chapter S-20 RSA 2000 of the Revised Statutes of Alberta, and regulations therein.
- 3.56. "Supervisor" means a person designated by the CAO as the Supervisor of Lacombe Bylaw Enforcement Services and includes that person's designates.
- 3.57. "Threatening behavior" means the following behaviors exhibited by a dog, without provocation:
- a) growling, snapping at, lunging at, chasing, stalking, attacking or biting another animal, livestock or wildlife, or a bicycle, automobile or other vehicle being operated, unless the dog is a working stock dog and is engaged in the performance of such work.
- 3.58. "Unaltered" means not neutered or spayed.
- 3.59. "Urban Area" means lands located within the City on which agriculture operations, including but not limited to the keeping of livestock, are neither a permitted or discretionary use under the City's Land Use Bylaw.
- 3.60. "Urban Chicken" means a Hen.
- 3.61. "Vicious Animal" means any animal, whatever its age, whether on public or private property, which has without provocation:

- a) chased, injured or bitten any other animal or human; or
- b) damaged or destroyed any public or private property; or
- c) created the reasonable apprehension of a threat to a human; and which, in the opinion of a Justice, presents a threat of serious harm to other animals or humans; or
- d) been previously determined to be a Vicious Animal under this or any previous bylaw.

Or which, in the opinion of a Justice, presents a threat of serious harm to other animals or humans.

3.62. "Violation Ticket" means a ticket as defined in the Provincial Offences Procedure Act, R.S. A. 2000, c. P-34.

3.63. "Wildlife" has the meaning as defined in the Wildlife Act, R.S.A 2000, c.W-10, as amended or replaced from time to time.

4. GENERAL LICENSING FOR DOGS AND CATS

4.1. No person shall own, keep or harbor any Dog or Cat within the City limits over the age of twelve (12) months unless it is licensed as provided herein.

4.2. The holder of a Dog or Cat License Tag must be eighteen (18) years of age.

4.3. Every owner of a Dog or Cat over the age of twelve (12) months within City limits shall:

- a) obtain a license for such Dog and/or Cat on the first day on which City Hall is open for business after the Dog or Cat becomes twelve (12) months of age;
- b) obtain a license on the first day on which the City Hall is open for business after they become owner of the Dog or Cat;
- c) obtain a license for a Dog or Cat notwithstanding that it is under the age of six months if the Dog or Cat was found to be running at large.

4.4. No person shall keep, harbor, or have custody of more than three (3) Dogs in one dwelling unit.

4.5. No person shall keep, harbor, or have custody of more than three (3) Cats in one dwelling unit.

4.6. A license for Dogs and Cats is valid for the lifetime of the animal, unless Section 4.6 applies. Fees will be applied as per Schedule A of this Bylaw.

4.7. If an Animal is declared to be a Vicious Animal or a Nuisance Animal, the owner of that animal will require an annual license with fees applied as per Schedule B and C of this Bylaw.

4.8. Dog and Cat Owners shall provide the City with the following information with each application for a Dog or Cat License Tag:

- a) name, street address and telephone number of Owner;
- b) where the Owner is a body corporate, the name, address and telephone number of the natural person responsible for the Dog or Cat;
- c) a description of the Dog or Cat including breed, name, gender and age;
- d) proof of current immunizations;
- e) proof of being Altered, if applicable;
- f) proof of microchipping for identification of the Dog or Cat, if applicable; and
- g) any other such information as may be required with respect to the application.

- 4.9. No person shall give false information when applying for a license pursuant to this bylaw.
- 4.10. An owner shall forthwith notify the City of any change to any information provided in an application for a license under this bylaw.
- 4.11. Licenses issued under this bylaw shall not be transferable from one Dog or Cat to another, and no refund shall be made on any paid up Dog or Cat license fee for any reason.
- 4.12. Every Owner shall ensure that the License Tag is securely fastened to a choke chain, collar, or harness, that must be worn by the Dog or Cat at all times. Animals that do not frequently wear a collar and license tag must be registered with the City, and should be microchipped to ensure they can be returned if the animal leaves its Owner's property. If the tag becomes lost the Owner of a Dog or Cat shall obtain a replacement license.

5. RESPONSIBILITY OF A DOG AND CAT OWNER

- 5.1. The Owner of a Dog or Cat shall ensure that such animal is not Running at Large.
- 5.2. The Owner of a Dog shall ensure that such Dog is under control and is not Running at Large in an Off Leash Dog Area.
- 5.3. The Owner of an animal shall ensure that such animal shall not:
 - a) bite, chase, or stalk animals, bicycles, automobiles, or other vehicles;
 - b) chase or otherwise threaten a person or persons, whether on the property of the Owner or not, unless the person chased or threatened is a trespasser on the property of the Owner;
 - c) cause damage to property or other animals, whether on the property of the Owner or not;
 - d) do any act that injures a person or persons whether on the property of the Owner or not, unless the person injured is a trespasser on the property of the Owner;
 - e) bite a person or persons, whether on the property of the Owner or not;
 - f) attack a person or persons, whether on the property of the Owner or not;
 - g) attack a person or persons and cause a Severe Injury, whether on the property of the Owner or not;
 - h) cause the death of another animal.
- 5.4. No Owner shall use or direct an animal to Attack, chase, harass or threaten a person or animal.
- 5.5. Dog and Cat Owners shall take all necessary steps to ensure that their animal does not upset any waste receptacles, scattering the contents thereof, either in a street, lane, or other public property or in or about premises not belonging to the Owner of the Dog or Cat.
- 5.6. No Owner of any Dog or Cat shall permit such Dog or Cat to bark, howl or yowl excessively or in any other way or manner disturb the peace of any person or persons.
- 5.7. If a Dog or Cat defecates on any public or private property other than the property of its Owner, the Owner shall remove such defecation immediately.
- 5.8. Where a Bylaw Enforcement Officer receives a complaint of a nuisance caused by a Cat, the Bylaw Enforcement Officer may at their discretion during the period of April 1 to October 1 as per the conditions of the agreement:
 - a) issue a cat trap to the complainant upon execution of a Cat Trap Agreement as provided by the City.

- 5.9. The Owner of a female Dog or Cat in Heat shall, during the whole period that such Dog or Cat is in Heat, keep such Dog or Cat confined and housed in the residence of said Owner.
- 5.10. Where a female Dog or Cat is in Heat, it will be confined and housed in the residence of its Owner. Dogs shall be permitted outside the said residence for the sole purpose of permitting the Dog to defecate and urinate on the property of the residence of said Owner.
- 5.11. The Owner of a Dog is guilty of an offence if they fail to carry a leash while with a Dog in a designated off-leash area.
- 5.12. The Owner of a Dog in an off-leash area shall ensure that such Dog is under control in accordance with Section 5.14.
- 5.13. If a Dog that is in an Off-Leash Area is deemed to be not under control, a Bylaw Enforcement Officer may:
- a) order that a Dog be put on a Leash; or
 - b) order that a Dog be removed from an Off-Leash Area.
- 5.14. A Dog is not under control if the Dog:
- a) is at such a distance from its Owner so as to be incapable of responding to voice, sound or sight commands;
 - b) has not responded to voice, sounds or sight commands from the Owner;
 - c) has bitten, attacked, or done any act that injures a person or another animal; or
 - d) caused damage to property.
- 5.15. No person shall allow animals they own other than a Dog to enter into or remain in an off-leash area.
- 5.16. The Owner of an animal left unattended in a motor vehicle shall ensure:
- a) the animal is restrained in a manner that prevents contact between the animal and any member of the public; and
 - b) the animal has suitable ventilation.
- 5.17. The Owner of an animal shall not leave an animal unattended in a motor vehicle if the outside temperatures will cause the containment to be injurious to the animal's health even in the short term.
- 5.18. No person shall allow an animal to be outside of the passenger cab of a motor vehicle on a roadway, regardless of whether the motor vehicle is moving or parked.
- 5.19. Notwithstanding Section 5.20 a person may allow an animal to be outside the passenger cab of a motor vehicle, including riding in the back of a pick-up truck or flatbed truck if the animal is:
- a) in a fully enclosed trailer;
 - b) in a canopy enclosing the bed area of a vehicle;
 - c) contained in a ventilated kennel or similar device securely fastened to the bed of the vehicle; or
 - d) securely tethered in such a manner that it is not standing on bare metal, cannot jump or be thrown from the vehicle, is not in danger of strangulation, and cannot reach beyond the outside edges of the vehicle.

6. NUISANCE ANIMALS

- 6.1. A Bylaw Enforcement Officer may declare an animal to be a Nuisance Animal.
- 6.2. A Nuisance may include, but is not limited to:
 - a) excessive barking, howling or yowling;
 - b) running at Large;
 - c) damaging property;
 - d) no removal of defecation on any public or private property other than the property of its Owner.
- 6.3. In declaring an animal to be a Nuisance Animal the Bylaw Enforcement Officer shall have regard to all City recorded history involving the animal, including the number of times the animal has been found in contravention of the City of Lacombe bylaws.
- 6.4. A Bylaw Enforcement Officer may apply conditions on the Owner and animal as deemed appropriate to eliminate the nuisance.
- 6.5. The declaration of an animal as a Nuisance Animal shall be reviewed annually by the Supervisor of Bylaw Enforcement Services and may be continued, or revoked.
- 6.6. The owner of a Nuisance Animal has all the same responsibilities as per Section 4, 5 and 10 however amended fines and penalties under Schedule B for Nuisance Animals will apply.
- 6.7. Any Owner who has been informed that the animal has been declared to be a Nuisance Animal may appeal the declaration to the Supervisor of Bylaw Enforcement Services in writing, within fourteen (14) days of receiving notice that the animal has been declared to be a Nuisance Animal.
- 6.8. Once declared a Nuisance Animal, the Owner of the Nuisance Animal shall obtain an annual license that expires December 31 of every year until the declaration is revoked by the Supervisor of Enforcement Services.
- 6.9. A Nuisance Animal declaration will be revoked automatically when there has been no violation for two continuous years.

7. VICIOUS ANIMALS

- 7.1. No person shall own or keep any Vicious Animal within the City unless such Vicious Animal is licensed as provided in this bylaw.
- 7.2. The holder of a license for a Vicious Animal must be eighteen (18) years of age or older.
- 7.3. The Owner of a Vicious Animal shall ensure that their animal wears the current License Tag purchased for that animal, when the animal is off the property of the Owner.
- 7.4. The Owner of a Vicious Animal shall obtain an annual license for such Vicious Animal as follows:
 - a) subject to the provisions of Section 4.3 obtain a license for such Vicious Animal on the first day on which the City Hall is open for business after the animal has been declared a Vicious Animal;
 - b) obtain a license on the first day on which the City Hall is open for business after they become the Owner of the Vicious Animal; and
 - c) obtain an annual license for the Vicious Animal on the day specified by the Supervisor of Enforcement Services each year.

8. VICIOUS ANIMALS – HEARINGS AND ORDERS

- 8.1. Upon demand by a Bylaw Enforcement Officer, an Owner of a Dog alleged to be a Vicious Animal shall surrender the Dog to the Bylaw Enforcement Officer whereupon the Bylaw Enforcement Officer shall deliver the Dog to the Animal Shelter where the animal shall be held pending the outcome of the hearing with a Justice, Dangerous Dog Hearing and any appeals.
- 8.2. In addition to the remedies set forth in this bylaw, if the Animal Shelter Keeper or Bylaw Enforcement Officer determines that a Vicious Animal is not being kept in accordance with this bylaw, the Bylaw Enforcement Officer may make a complaint pursuant to the Dangerous Dogs Act for an order directing the Dog be controlled or destroyed.
- 8.3. The Owner of a Vicious Animal shall, within ten (10) days of the date of the order declaring the animal to be vicious, display a sign to the entrance of the Owner's property and pen or other structure in which the animal is confined stating "VICIOUS ANIMAL".
- 8.4. A sign required by Section 8.3 shall be posted to be clearly visible and capable of being seen by any person before accessing the premises.
- 8.5. A Vicious Animal declaration made pursuant to this bylaw continues to apply if the animal is sold, gifted or transferred to a new Owner.

9. RESPONSIBILITY OF OWNER OF VICIOUS ANIMAL

- 9.1. No Owner of a Vicious Animal shall permit the animal to be in an Off-Leash Area at any time.
- 9.2. The Owner of a Vicious Animal shall:
 - a) notify the Supervisor of Enforcement Services should the animal be sold, gifted, or transferred to another person or dies; and
 - b) remain liable for the actions of the animal until the new Owner provides formal notification of sale, gift or transfer is given to the Supervisor of Enforcement Services.
- 9.3. The Owner of a Vicious Animal shall ensure that such an animal does not damage or destroy public or private property.
- 9.4. The Owner of a Vicious Animal shall notify the City of Lacombe Enforcement Services if the animal is Running at Large.
- 9.5. The Owner of a Vicious Animal shall ensure that at all times, when off the property of the Owner, such animal is securely:
 - a) muzzled; and
 - b) harnessed or leashed on a lead not longer than one (1) metre to connect in a manner that prevents it from chasing, injuring or biting other animals or humans as well as preventing damage to public or private property; and
 - c) under the control of a person over the age of eighteen (18) years.
- 9.6. The Owner of a Vicious Animal shall ensure that when such Vicious Animal is on the property of the Owner it is:
 - a) confined indoors or under the control of a person eighteen (18) years of age or older; or
 - b) when outdoors, the Vicious Animal is contained in a locked pen or other structure, constructed pursuant to Section 9.7.

- 9.7. The Owner of a Vicious Animal shall ensure that the locked pen or other structure:
- a) shall have secure sides and a secure top and, if it has no bottom secured to the sides, the sides must be embedded in the ground to a minimum depth of thirty (30) centimeters;
 - b) shall provide the Vicious Animal with shelter from the elements and weather;
 - c) shall be of the minimum dimensions of one and one-half (1.5) meters by three (3) meters and be a minimum one and one half (1.5) meters in height; and
 - d) shall not be within one (1) meter of the property line or within five (5) meters of a neighbouring dwelling unit.

10. RABIES AND COMMUNICABLE DISEASE CONTROL

- 10.1. Where a Bylaw Enforcement Officer has reasonable and probable grounds to suspect that a Domestic Animal has been exposed to rabies or any other Communicable Diseases, they may demand the Owner surrender the Domestic Animal for the supervised quarantine. The expense shall be borne by the Owner. The Domestic Animal may be reclaimed by the Owner of the Domestic Animal when judged to be free of rabies or any other Communicable Disease, upon payment of confinement expenses, and upon compliance with the licensing provisions of this bylaw.
- 10.2. When a Domestic Animal under quarantine has been diagnosed as rabid, or suspected as being rabid by a licensed veterinarian, and dies while under such observation, the Animal Shelter Keeper shall immediately send the head of such Domestic Animal to the appropriate health department for pathological examination and shall notify the public health officer of reports and human contacts and the diagnosis made of the suspected Domestic Animal.
- 10.3. During such period of rabies quarantine, every Domestic Animal bitten by any animal adjudged to be rabid, shall be destroyed, or at the Owner's expense and option, shall be treated for rabies infection by a licensed veterinarian or held under quarantine by the Owner in the same manner as other domestic animals are quarantined.
- 10.4. The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to the Animal Shelter Keeper.
- 10.5. A licensed veterinarian shall direct the destruction, disposal of remains or treatment of any Domestic Animal found to be infected with rabies.

11. SEIZURE AND IMPOUNDMENT OF DOGS AND CATS

- 11.1. A Bylaw Enforcement Officer, upon complaint under this bylaw, may seize and impound;
- a) every Dog or Cat found Running at Large contrary to this bylaw in the City;
 - b) every Dog which has bitten, or is alleged to have bitten a person or animal, pending the outcome of an application to declare the dog to be a Vicious Animal or to destroy the dog;
 - c) every Dog or Cat not wearing a collar and License Tag as required by this bylaw.
- 11.2. In enforcement of the jurisdiction provided in Section 11.1 for the purpose of investigation only, a Bylaw Enforcement Officer is hereby authorized to enter any privately owned premises, provided that in this section the word "premises" does not include a building or buildings used as a dwelling house. A Bylaw Enforcement Officer may enter a premise in order to preserve the safety and security of the public if deemed necessary. Premise include any outdoor lot visible from the street.

- 11.3. The Animal Shelter Keeper shall keep all impounded Dogs or Cats for a period of at least seventy-two (72) hours, including the day of impounding. Sundays and statutory holidays shall not be included in the computation of the seventy-two (72) hour period. During this period, any healthy Dog or Cat may be redeemed by its owner upon the Owner paying to the Animal Shelter Keeper the appropriate fees, providing proof of licensing from the City, providing documentation of immunization, neutering or spaying, plus Animal Shelter fees as described in Schedule B for every twenty-four (24) hour period or fraction thereof that the Dog or Cat has been impounded.
- 11.4. If at the expiration of the seventy-two (72) hour period any impounded Dog or Cat has not been redeemed, it may be sold, gifted, or destroyed.
- 11.5. Any impounded Dog or Cat, which appears to be in distress in accordance with the Animal Protection Act, shall be dealt with by a Bylaw Enforcement Officer as provided for in the Act.
- 11.6. Any Livestock Running at Large within the City shall be dealt with under the Stray Animal Act.

12. NOTIFICATION

- 12.1. If a Bylaw Enforcement Officer knows or can ascertain the name or residence of the Owner of any impounded Dog or Cat, the Officer shall make reasonable attempts to notify the Owner of the impoundment of their Dog or Cat.

13. INTERFERENCE WITH ANIMALS

- 13.1. No person shall tease, torment, or annoy any animal, including if the Domestic Animal is caught or confined in an enclosed space.
- 13.2. No person shall ignore or further neglect any Domestic Animal found to be in distress as defined by the Animal Protection Act. The Domestic Animal in distress shall be reported to the Bylaw Enforcement Officer of the City, who shall take action in accordance with the Animal Protection Act.
- 13.3. No person shall negligently or willfully open a gate, door or other opening in a fence or enclosure in which an animal has been confined and thereby allow an animal to Run at Large in the City of Lacombe.
- 13.4. No person shall untie, loosen or otherwise free an animal which has been tied or otherwise restrained unless the Domestic Animal is in distress.
- 13.5. No person shall entice an Animal to Run at Large.
- 13.6. No person shall throw or poke any object into an enclosed space when an animal is caught or confined therein.
- 13.7. Section 13 shall not apply to a Bylaw Enforcement Officer who is attempting to seize or who has seized an animal which is subject to seizure pursuant to this bylaw.

14. OBSTRUCTION

- 14.1. No person shall:
 - a) interfere with or attempt to obstruct a Bylaw Enforcement Officer who is attempting to capture, or who has captured, any animal in accordance with the provisions of this bylaw;
 - b) unlock, unlatch or otherwise open the van or vehicle in which animals captured for impoundment have been placed so as to allow or attempt to allow any animals to escape there from;
 - c) remove, or attempt to remove, from possession of a Bylaw Enforcement Officer, any animal which has been seized;

- d) induce any animal to enter a house or other place where it may be safe from capture, or otherwise assist the animal to escape capture;
- e) falsely represent themselves as being in charge or control of an animal so as to establish that the animal is not Running at Large as the term is defined in this bylaw; or
- f) provide false information to a Bylaw Enforcement Officer.

15. LIVESTOCK CONTROL

- 15.1. No person or body corporate shall be permitted to own, keep or harbor Livestock, Exotic animals, or Wild Animals, within any portion of the City of Lacombe or its corporate boundaries without the exclusive written permission of the CAO.
- 15.2. Bees will only be permitted to be owned, kept or harbored in the City with the exclusive written permission of the CAO.
- 15.3. A Bylaw Enforcement Officer may seize and impound any Livestock, Wild Animals, Poultry or Bees, within the City, if the Livestock, Wild Animals, Poultry or Bees are being kept without being licensed or by the written permission of the CAO.
- 15.4. A Bylaw Enforcement Officer are hereby authorized to enter any land or premises (excluding dwelling houses) within the City to inspect for conditions which may contravene any provisions of this bylaw and to impound in accordance with Section 11 of this bylaw.
- 15.5. Any contravention of any of the provisions of this bylaw, shall result in a fine as provided in Schedule A.

16. URBAN HENS

- 16.1. In an Urban Area, no person shall:
 - a) keep a Rooster; or
 - b) keep a Hen, other than an Urban Chicken for which a valid Chicken License has been issued.
- 16.2. A person may apply to keep no more than four (4) Urban Chickens by:
 - a) submitting a completed application, on the form approved by the CAO; and
 - b) paying a license fee as provided in Schedule A.
- 16.3. The CAO may not issue or renew a Chicken License unless satisfied that:
 - a) the applicant is the Owner of the property on which the Urban Chickens will be kept, or that the Owner of the property has provided written consent to the application;
 - b) the land use districts of the property on which the Urban Chickens will be kept allows the placement of a Coop for the keeping of Urban Chickens;
 - c) the property on which the Urban Chickens will be kept contains a detached or semi-detached dwelling;
 - d) the applicant resides on the property on which the Urban Chickens will be kept;
 - e) the applicable fee has been paid; and
 - f) all required information has been provided.
- 16.4. The CAO may refuse to grant or renew a Chicken License for the following reasons:
 - a) the applicant or license holder does not or no longer meets the requirements of this bylaw for a Chicken License;
 - b) the applicant or license holder:

- (i) furnishes false information or misrepresents any fact or circumstance to the CAO or a Bylaw Enforcement Officer;
 - (ii) has, in the opinion of the CAO based on reasonable grounds, contravened this bylaw whether or not the contravention has been prosecuted;
 - (iii) fails to pay a fine imposed for a contravention of this bylaw or any other applicable bylaw related to the keeping of Urban Chickens;
 - (iv) fails to pay any fee required by this or any applicable bylaw; or
 - c) fifty percent (50%) or more of the neighbours, having contiguous boundaries with the property where the Urban Chickens will be kept, are not in support of the application; or
 - d) if in the opinion of the CAO based on reasonable grounds it is in the public interest to do so.
- 16.5. If the CAO refuses to grant or renew a Chicken License, the applicant may appeal the decision to the Lacombe Subdivision & Development Appeal Board, in accordance with the procedures set out in the City of Lacombe Subdivision & Development Appeal Board Bylaw.
- 16.6. A Chicken License is valid only for the period January 1 to December 31 in the year for which it is issued.
- 16.7. A Chicken License is not transferable from one person to another or from one property to another.
- 16.8. A person to whom a Chicken License has been issued shall produce the license at the demand of the CAO or a Bylaw Enforcement Officer.
- 16.9. A person who keeps Urban Chickens must:
- a) provide each Hen with at least 0.37 m² of interior floor area, and at least 0.92 m² of Outdoor Enclosure, within the Coop;
 - b) locate the Coop in a rear yard and located no less than 0.9 metres from the side and rear boundaries;
 - c) provide and maintain, in the Coop, at least one nest box per coop and one perch per Hen, that is at least 15 cm long;
 - d) keep each Hen in the Coop at all times;
 - e) provide each Hen with food, water, shelter, light, ventilation, care, and opportunities for essential behaviours such as scratching, dust-bathing, and roosting, all sufficient to maintain the Hen in good health;
 - f) maintain the Coop in good repair and sanitary condition, and free from vermin and noxious or offensive smells and substances;
 - g) construct and maintain the Coop to prevent any rodent from harboring underneath or within it or within its walls, and to prevent entrance by any other animal;
 - h) keep a food container and water container in the Coop;
 - i) keep the Coop secured from sunset to sunrise;
 - j) remove leftover feed, trash, and manure in a timely manner;
 - k) store feed within a fully enclosed container;
 - l) store manure within a fully enclosed container, and store no more than 3 cubic feet of manure at a time;
 - m) remove all other manure not used for composting or fertilizing and dispose of same in accordance with City bylaws;
 - n) follow biosecurity procedures recommended by the Canadian Food Inspection Agency to reduce potential for disease outbreak;
 - o) register their hen flock with the Province through the Premise Identification Program and/or any other registration system required by Provincial or Federal regulation or legislation; and

- p) keep Hens for personal use only.
- 16.10. No person who keeps Urban Chickens shall:
- a) sell eggs, manure, meat, or other products derived from Hens;
 - b) slaughter a Hen on the property;
 - c) keep a Hen in a cage, kennel, or any shelter other than a Coop.
- 16.11. A person who contravenes any provision of this Bylaw is guilty of an offence.
- 16.12. A person who is guilty of an offence of any of the provisions of in Section 16.9 and 16.10, shall result in a fine as provided in Schedule A.
- 16.13. A Bylaw Enforcement Officer is authorized and empowered to issue a Municipal Ticket to any person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
- 16.14. A Municipal Ticket may be issued to such person:
- a) either personally; or
 - b) by mailing a copy to such person at his or her last known address.
- 16.15. The Municipal Ticket shall be in a form approved by the CAO and shall state:
- a) the name of the person;
 - b) the offence;
 - c) the specified penalty established by this bylaw for the offence;
 - d) that the penalty shall be paid within fourteen (14) days of the issuance of the Municipal Ticket; and
 - e) any other information as may be required by the CAO.
- 16.16. Where a Municipal Ticket is issued pursuant to this bylaw, the person to whom the Municipal Ticket is issued may, in lieu of being prosecuted for the offence, pay to the City the penalty specified within the time period indicated on the Municipal Ticket.
- 16.17. If a Municipal Ticket has been issued and if the specified penalty has not been paid within the prescribed time, then a Bylaw Enforcement Officer is authorized and empowered to issue a Violation Ticket pursuant to the Provincial Offences Procedure Act.
- 16.18. Despite Section 16.17, a Bylaw Enforcement Officer is authorized and empowered to issue a Violation Ticket to any person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
- 16.19. If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
- a) specify the fine amount established by this bylaw for the offence; or
 - b) require a person to appear in court without the alternative of making a voluntary payment.
- 16.20. If a Violation Ticket is issued in respect of the offence stating the fine established by this bylaw, the person who was issued the Violation Ticket may make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.
- 16.21. No person shall obstruct or hinder any Bylaw Enforcement Officer in the exercise or performance of the person's powers pursuant to this Bylaw.

- 16.22. Without restricting any other power, duty or function granted by this Bylaw, the CAO may:
- a) carry out any inspections to determine compliance with this bylaw;
 - b) take any steps or carry out any actions required to enforce this bylaw;
 - c) take any steps or carry out any actions required to remedy a contravention of this bylaw;
 - d) establish forms for the purposes of this bylaw; and
 - e) delegate any powers, duties or functions under this bylaw to a City employee.
- 16.23. Nothing in this bylaw relieves a person from complying with any Federal or Provincial law or regulation, other City Bylaw, or any requirement of any lawful permit, order or license.

17. GENERAL INFORMATION

- 17.1. The Bylaw Enforcement Officer shall keep an up-to-date record of all complaints, notices, and reports and any similar records.
- 17.2. Each day an offence continues constitutes a separate offence occurrence.
- 17.3. A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Municipal Ticket to any person whom the Officer has reasonable grounds to believe has contravened any provision of this Bylaw;
- 17.4. The Municipal Ticket may be served:
- a) in the case of an individual,
 - i. personally to the individual;
 - ii. by registered mail to the individual at their apparent place of residence or at any address for the individual on the tax roll of the City or at the Land Titles registry; or
 - iii. by leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age.
 - b) in the case of a corporate entity,
 - i. personally to any director or officer of the corporate entity;
 - ii. personally to a person apparently in charge of an office of the corporate entity at an address held out by the corporate entity to be its address; or
 - iii. by registered mail addressed to the registered office of the corporate entity.
- 17.5. Notwithstanding Section 17.4, the Municipal Ticket may be posted in a conspicuous place on the individual's or corporate entity's last known premises of record, if service cannot otherwise reasonably be effected.
- 17.6. The Municipal Ticket shall be in a form approved by the CAO and shall state at minimum:
- a) the name of the person who allegedly committed the offence;
 - b) the location at which the offence was allegedly committed, if applicable;
 - c) the penalty imposed for the offence as specified in Schedule "A" of this Bylaw;
 - d) that the penalty must be paid within fourteen (14) clear days of the issuance of the Municipal Ticket in order to avoid prosecution; and
 - e) any other information as may be required by the CAO.
- 17.7. Where a Municipal Ticket has been issued pursuant to this Bylaw, the person to whom the Municipal Ticket has been Issued may, in lieu of being prosecuted for the offence, pay to the City the monetary penalty specified on the Municipal Ticket.

- 17.8. Where a contravention of this Bylaw is of a continuing nature, further Municipal Ticket may be issued by a Bylaw Enforcement Officer provided that no more than one (1) Municipal Ticket is issued for each day that a contravention continues.
- 17.9. If a Municipal Ticket has been issued and the penalty not paid within the prescribed time, a Bylaw Enforcement Officer may issue a Violation Ticket pursuant to Part 2 of the Provincial Offences Procedure Act to the person to whom the Municipal Ticket was issued.
- 17.10. Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Ticket to any person whom the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw;
- 17.11. The Bylaw Enforcement Officer may issue a Violation Ticket to any Owner alleged to have committed a breach of this bylaw which shall state the complaint and the specified penalty as described in Schedule B or Schedule C, and the date, time and place at which the defendant is to appear to answer the summons.
- 17.12. Voluntary payment of the Violation Ticket in accordance with terms of the Violation Ticket shall be accepted by the City as a plea of guilty in accordance with Section 25 of the Provincial Offences Procedure Act.
- 17.13. A Violation Ticket shall be deemed to be sufficiently served in any prosecution:
- a) if served personally to the accused;
 - b) if mailed by registered post to the last known address of the accused person;
 - c) if left at the accused's usual residence or with another resident thereof who appears to be at least sixteen (16) years of age;
 - d) where the accused is an association, partnership or corporation, if mailed by registered post to the last known office address or registered office address or if left with a person who appears to be at least sixteen (16) years of age and is employed by or is an officer of the association, partnership or corporation.
- 17.14. This section shall not prevent any Bylaw Enforcement Officer from issuing a Violation Ticket requiring the court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedure Act.
- 17.15. Nothing in Sections 17.4 and 17.5 of this bylaw shall prevent any person or Owner from defending a charge of committing a breach of this bylaw.
- 17.16. Any person or Owner who commits a breach of any of the provisions of this bylaw shall be liable to the fines as set forth in Schedule B or Schedule C for the offence listed therein, and to a fine of not less than \$100.00 for any other offence under this bylaw.
- 17.17. This bylaw shall not apply to Dogs owned by any police service while the Dogs are engaged in police work.
- 17.18. A Bylaw Enforcement Officer investigating a complaint involving the threatening behavior of an animal may classify the behavior by means of reference to the Dr. Ian Dunbar's Aggression Scale, which is set out in Schedule D of the bylaw.

18. EFFECTIVE DATE

- 18.1. This bylaw shall come into force and effect when it receives third reading and is duly signed.

19. SEVERABILITY

- 19.1. Every provision of this bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

20. REPEAL OF BYLAW 265, BYLAW 419 AND BYLAW 35

- 20.1. Bylaw 265, 265.1, 265.2, 265.3, 265.4, 265.5, 265.6 and any other amendments thereto, are hereby repealed.
- 20.2. Bylaw 419, 419.1 and any other amendments thereto, are hereby repealed.
- 20.3. Bylaw 35, 35.1 and any other amendments thereto, are hereby repealed.

INTRODUCED AND GIVEN FIRST READING THIS 11th day of February, 2019.

GIVEN SECOND READING THIS 11th day of February, 2019.

GIVEN THIRD AND FINAL READING THIS 11th day of March, 2019.

Original Signed

Mayor

Original Signed

Chief Administrative Officer

City of Lacombe Bylaw 469
Schedule A – License Fees

<u>License Fees</u>	
<u>Lifetime License for :</u>	<u>Fee</u>
Unaltered and not Microchipped Dog or Cat	\$150
Unaltered and Microchipped Dog or Cat	\$75
Altered Dog or Cat (Neutered or Spayed), and not Microchipped	\$75
Altered and Microchipped Dog or Cat	\$15
Service Animals (with proof of certificate)	Free
Nuisance Animal License (Annually)	\$100
Vicious Animal License (Annually)	\$150
Replacement of Lost Tags	\$5
Urban Hens License	\$50

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City of Lacombe Bylaw 469
Schedule B – General Penalties

DESCRIPTION	SECTION	Fine Amount 1 st offence	2 nd offence	3 rd offence
SECTION 4				
Failing to obtain a license for a licensable dog or cat	4.1	\$100	\$250	\$500
Failing to securely fasten license to dog or cat	4.11	\$100	\$250	\$500
Providing false information when applying for license	4.8	\$300	\$600	\$1000
SECTION 5				
Allowing animal to run at large	5.1	\$150	\$300	\$600
Allowing a dog to run at large in park	5.2	\$150	\$300	\$600
Bite/Chase/Stalk animals, bicycles, automobiles or vehicles	5.3 a)	\$200	\$500	\$900
Chase or threaten a person	5.3 b)	\$200	\$500	\$900
Cause damage to property or other animal	5.3 c)	\$150	\$300	\$600
Animal injure a person	5.3 d)	\$500	\$750	\$1000
Animal bite a person	5.3 e)	\$500	\$750	\$1000
Animal attack a person	5.3 f)	\$500	\$750	\$1000
Animal attack a person causing severe physical injury	5.3 g)	\$1000	COURT	COURT
Animal cause death to another animal	5.3 h)	\$1,000	COURT	COURT
Direct Animal to attack/chase/harass/threaten a person or animal	5.4	\$200	\$500	\$900
Allow animal to upset waste receptacles not belonging to owner	5.5	\$100	\$250	\$500
Allow dog or cat to bark/howl/yowl excessively	5.6	\$100	\$250	\$500
Allow dog or cat to defecate on public property and not removing such defecation	5.7	\$100	\$250	\$500
Owner not confine female dog or cat in heat during the whole period such dog or cat is in heat	5.9	\$100	\$250	\$500
Owner fail to carry Leash while in off-leash area	5.11	\$100	\$250	\$500
Dog not under control in an off-leash area	5.12	\$100	\$250	\$500
The owner of an Animal, other than a Dog, allows the Animal to enter/remain in an off-leash area	5.15	\$100	\$250	\$500

Animal left unattended in vehicle improperly	5.16	\$250	\$500	\$1000
Animal left unattended in vehicle when weather conditions are not suitable	5.17	\$500	\$750	\$1000
Animal outside of passenger cab of motor vehicle	5.18	\$300	\$600	\$1000
SECTION 13.0				
Interfere with animals	13.1-13.7	\$500	\$750	\$1000
SECTION 14.0				
Obstruct a Bylaw Enforcement Officer	14.1 a)- 14.1 f)	\$500	\$750	\$1000
SECTION 15.0				
Own, keep, harbour Livestock, Exotic animals, or Wild Animals	15.1	\$500	\$750	\$1000
SECTION 16.0				
Urban Hen Violations	16.9	\$100		
Urban Hen Violations	16.10	\$150		

City of Lacombe Bylaw 469
Schedule C – Vicious and Nuisance Animal Penalties

Nuisance Animal Penalties

DESCRIPTION	SECTION	1st Offence	2nd Offence	3rd Offence
Nuisance Animal - Excessive Barking, howling, yowling	6.2 a)	\$150	\$300	\$600
Nuisance Animal – Running at Large	6.2 b)	\$200	\$500	\$900
Nuisance Animal – Damaging Property	6.2 c)	\$200	\$500	\$900
Nuisance Animal – Defecating on public or private property	6.2 d)	\$150	\$300	\$600

Vicious Animals Penalties

DESCRIPTION	SECTION	1st Offence	2nd Offence	3rd Offence
Failing to obtain a license for vicious animal	7.1	\$500	\$750	\$1,000
Failing to ensure vicious animal wears current license	7.3	\$200	\$500	\$900
Failing to surrender alleged vicious animal to a Bylaw Enforcement Officer	8.1	\$600	\$900	\$1,200
Vicious animal conditions not being met	8.2	\$500	\$800	\$1,200
Failing to display appropriate Vicious Animal Signage	8.3	\$500	\$1,000	\$1,500
Allowing Vicious Animal to be in an off-leash area	9.1	\$1,000	\$1,500	COURT
Failing to notify the Supervisor of Enforcement Services of the Vicious Animal being sold, gifted, transferred to another person, or dies	9.2 a)	\$100	\$200	\$300
Vicious Animal damages or destroys public or private property	9.3	\$1,000	\$2,000	COURT
Failing to notify the City if the Vicious Animal is running at large	9.4	\$1,000	\$2,000	COURT
Failing to ensure the Vicious Animal is muzzled	9.5 (a)	\$1,000	\$2,000	COURT
Failing to ensure the Vicious Animal is on a harness or leash not exceeding 1 metre	9.5 (b)	\$750	\$1,000	\$1,500
Failing to ensure the Vicious Animal is under control	9.5 (c)	\$1,000	\$1,500	COURT
Owner of the Vicious Animal fails to confined the Vicious Animal indoors or under control of an eighteen (18) year old when on the property of the owner	9.6 (a)	\$500	\$1,000	\$1,500
Owner of Vicious Animal failing to provide the appropriately sized and secured structure when the Vicious Animal is outdoors.	9.7	\$1,000	\$1,500	\$2,000

City of Lacombe Bylaw 469
Schedule D – Dr. Ian Dunbar’s Aggression Scale

ASSESSMENT OF THE SEVERITY OF BITING PROBLEMS BASED ON AN OBJECTIVE EVALUATION OF WOUND PATHOLOGY	
Level 1	Dog growls, lunges, snarls – no teeth touch skin. Mostly intimidation and/or threatening behaviour.
Level 2	Teeth touch skin but no puncture. May have red mark and/or minor bruise from dog’s head or snout, may have minor scratches from paws and/or nails. Minor surface abrasions or lacerations.
Level 3	Punctures one (1) to three (3) holes, single Bite. No tearing or slashes. Victim not shaken side to side. Bruising.
Level 3.5	Multiple Level 3 Bites.
Level 4	Two (2) to four (4) holes from a single Bite, typically contact and/or punctures from more than canines, considerable bruising. Black bruising, tears and/or slashing wounds. Dog clamped down and held and/or shook head from side to side.
Level 5	Multiple Bites at Level 4 or above. A concerted, repeated Attack causing Severe Injury.
Level 6	Any Bite resulting in death of an Animal.

This Scale was developed by Dr. Ian Dunbar PhD. B Vet Med, MRCVS, of Berkeley California. From his studies Dr. Dunbar has been able to separate and classify bites into a generalized six-level assessment protocol. This Scale is used as a standard throughout the world in canine aggression investigations and behavior assessment.