

Town of Drumheller COMMITTEE OF THE WHOLE MEETING AGENDA

January 21, 2013 at 4:30 PM
Council Chamber, Town Hall
703-2nd Ave. West, Drumheller, Alberta



Page

1.0 CALL TO ORDER

2.0 DEVELOPMENT OR REVIEW OF STRATEGIC PLAN

3.0 DEVELOPMENT OR REVIEW OF POLICIES

4.0 DELEGATIONS

5.0 REPORTS FROM ADMINISTRATION

5.1. CAO'S REPORT

5.2. DIRECTOR OF INFRASTRUCTURE SERVICES' REPORT

5.3. DIRECTOR OF CORPORATE SERVICES' REPORT

5.3.1 Operating Budget Next Steps

5.4. DIRECTOR OF COMMUNITY SERVICES' REPORT

5.4.1 BCF Fundraising Update

5.4.2 Draft Responsible Pet Ownership Bylaw

6.0 ANNUAL BUDGET REVIEW

7.0 COUNCIL MEMBERS ROUND TABLE DISCUSSION

7.1 Mayor Terry Yemen - Letter from Music Festival

7.2 Mayor Terry Yemen - Proclamation for National Non-Smoking Week

7.3 Councillor D. Stanford - Emergency Response Meeting

7.4 Councillor D. Stanford - Municipal Planning Commission

8.0 IN-CAMERA MATTERS

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Agenda Item # 5.4.2

TOWN OF DRUMHELLER BYLAW NO. 06.13

BEING A BY-LAW OF THE TOWN OF DRUMHELLER FOR THE PURPOSES OF REGULATING ANIMALS AND ACTIVITIES IN RELATION TO THEM.

WHEREAS the MGA enables a Council to pass Bylaws respecting animals;

AND WHEREAS the purpose of the municipality includes providing services that in the opinion of Council are necessary and desirable;

AND WHEREAS it is desirable to pass a Bylaw dealing with the licensing and regulation of animals in the Town;

AND WHEREAS it is desirable for citizens owning animals to be responsible and continually aware of the health and welfare of animals in their charge and in addition to be continually aware of the specific needs, physical and mental condition, location, temperament and safety of these animals.

NOW THEREFORE, the Council of the Town of Drumheller enacts as follows:

SECTION 1 - INTERPRETATION AND DEFINITIONS

- 1.1 This Bylaw may be cited as the RESPONSIBLE PET OWNERSHIP BYLAW.
- 1.2 Nothing in this Bylaw relieves a person from complying with any federal, provincial law or regulation or other Bylaw.
- 1.3 Where this Bylaw refers to a person or thing with reference to gender or the gender neutral the intention is to read the Bylaw with the gender applicable to the circumstances.
- 1.4 References to the plural include the singular as applicable
- 1.5 The words include, includes and including are to be read as not limiting the phrases of descriptions that precede them.
- 1.6 Any reference to specific laws already in force and applicable in the province of Alberta as at the same time that this Bylaw was enacted will be stipulated and referred to as such in the Bylaw. Provincial laws will be referenced as to the relevant chapter of the Revised Statutes of Alberta 2000, as amended from time to time including succeeding legislation. Federal laws will be referenced as to the relevant chapter of the Revised Statutes of Canada 1985 as amended from time to time including succeeding legislation.

- 1.7 Any reference in this Bylaw to a clause, section or part unless otherwise stipulated is a reference to a clause, section or part in this Bylaw.
- 1.8 Wherever a word is used in this Bylaw the meaning of that word is as specified in the definitions section of this Bylaw. Words not specified in the definitions section will have their regularly applied meaning in the English language.
- 1.9 Any clause, section or part of this Bylaw that may be declared invalid for any reason by a court of competent jurisdiction will be disengaged from the Bylaw and all other provisions of this Bylaw shall remain enforceable and valid.
- 1.10 Documents attached to this Bylaw and marked as schedules shall form part of this Bylaw.

SECTION 2 - DEFINITIONS

- 2.1 "Animal" means any mammal, bird, reptile or amphibian and does not include humans.
- 2.2 "Animal Control Shelter or Animal Control Facility" means a facility designated by the Town for the housing of animals.
- 2.3 "Animal Control Officer" means any Bylaw Enforcement officer in the employ of the Town, a member of the Royal Canadian Mounted Police or an independent contractor employed by the Town.
- 2.4 "Animal Shelter Supervisor" means a person, firm or body corporate or servants and employees of a person, firm or body corporate employed or appointed to manage and operate an animal control shelter.
- 2.5 "Aggressive Animal" means any animal, whether on public or private property, that has:
- a) Bitten or chased a human or other animal,
 - b) Attempted to bite a human or has otherwise displayed, threatened or created by its behavior the reasonable apprehension of a threat to a person.
- 2.6 "Attack" means an assault by an animal exerting force on a human or other animal.
- 2.7 "Bite" means a wound to the skin causing a puncture, bruise, abrasion or break.

- 2.8 "Bylaw Violation Tag" is a ticket or summons issued for an allegation of a Bylaw infraction and is issued by a Peace Officer and only enforceable in the Town. See Schedule 'F'.
- 2.9 "Bylaw Enforcement Officer" means a person employed by the Town as a Bylaw Enforcement or Community Officer or a member of the Royal Canadian Mounted Police.
- 2.10 "Cat" means a domestic feline of either sex over the age of 90 days.
- 2.11 "Cat Tag" means a device bearing a distinctive serial number intended to be attached to the collar of the cat and issued by the Town upon payment of a license fee as prescribed in this Bylaw.
- 2.12 "CAO" means the Chief Administrative Officer of the Town or his designate.
- 2.13 "Controlled Confinement" means the confinement of an animal in a pen, cage or other structure having:
- a) Secure sides and a secure top,
 - b) The bottom secured to the sides or the sides embedded in the ground or secured to a floor or wall which forms part of the secure structure,
 - c) Minimum dimensions of 1.5 meters by 3.0 meters and
 - d) A minimum height of 1.5 meters'
 - e) And includes a pickup truck bed enclosed with a covering typically made of fiberglass with or without windows and with a rear door.
- 2.14 "Dangerous Dog" means a dog determined by a Judge of the Provincial Court to be dangerous under the provisions of the Dangerous Dogs Act of Alberta.
- 2.15 "Dog" means a domestic canine of either sex over the age of 90 days.
- 2.16 "Dog Tag" means a device bearing a distinctive serial number intended to be attached to the collar of the dog and issued by the Town upon payment of a license fee as prescribed in this Bylaw.
- 2.17 "Domestic Animal" means an animal which has been habituated to live and breed in a tame state in or about the habitations of humans.
- 2.18 "Exotic Animal" an introduced, alien, non-indigenous or non-native species which has been found living outside its native distributional range and arrived there by human activity.

- 2.19 "Foster Animal" means an animal placed in a person's custody on a temporary basis by the humane society.
- 2.20 "Humane Society" means the Drumheller and District Humane Society or another similar society or corporate entity that rescues, cares for and arranges fostering and adoption of animals.
- 2.21 "Infectious Condition" means any sickness, disease or affliction of a contagious nature affecting an animal and liable to be passed onto other animals and/or humans.
- 2.22 "Injury" means bleeding, bruising, abrasions, punctured flesh, broken bones, sprains, wounds or lacerations.
- 2.23 "Justice" means a judge of the provincial court of Alberta or a justice of the peace.
- 2.24 "Land Use Bylaw" means the Land Use Bylaw of the Town.
- 2.25 "Leash" means a device, strap or tether intended to control the dog to whom it is attached and is securely attached to the dog by a collar, choke collar, body harness or halter.
- 2.26 "License" means an annual permit for a dog or cat purchased from the Town.
- 2.27 "Livestock" means the following:
- a) A horse, mule, ass, swine, sheep, goat, llama or alpaca;
 - b) Cattle, bison or other member of the bovine specie;
 - c) Domestically reared or kept deer, caribou, moose or elk;
 - d) Fur bearing animals raised for commercial purposes including mink, chinchillas, fox, non domestic cats and rabbits;
 - e) Camels, emus and ostriches;
 - f) Chickens, ducks, turkeys, geese, pheasants or partridges;
 - g) Any other animal kept for agricultural purposes.
- 2.28 "Microchip" means a unit of packaged computer circuitry often made of silicon and used to relay specific information and capable of being implanted in a dog or cat by a veterinarian, animal health technician or other qualified person to assist in identification and ownership tracking.

- 2.29 "Muzzle" means a device designed to be securely placed over the snout of an animal to keep it from opening its mouth or biting.
- 2.30 "Nuisance Animal" means any animal that by its continued behavior is obnoxious, causes offence, annoyance, disturbs others or damages or destroys public or private property or has been found at large or has been found at large and detained by Animal Control Officers more than twice.
- 2.31 "Open Trailer" means a trailer of any configuration that does not have a roof.
- 2.32 "Order to Remedy" a written order intended to redress an unlawful or unsatisfactory situation and requiring a person to rectify the identified issue within a specific time.
- 2.33 "Owner" means a person or body corporate:
- a) who is the licensed owner of the animal; or
 - b) to whom a dog or cat license tag was issued in accordance with this Bylaw; or
 - c) who has legal title to the animal; or
 - d) who has lawful charge or custody of the animal either temporarily or permanently; or
 - e) a person who claims and receives the animal from the custody of an animal control officer, the Drumheller and District Humane Society, animal control shelter or other Town designated facility to keep and care for lost, found or stray animals; or
 - f) who harbors the animal or allows the animal to remain on his or her premises
- 2.34 "Owner Property" means any property where the owner of the animal regularly resides or conducts a business, any property in which the owner has a legal or equitable interest or which is otherwise under the control or is in possession of the owner and shall include land, buildings and vehicles.
- 2.35 "Peace Officer" includes any member of Town Bylaw/ community enforcement who is a Peace Officer or any member of the Royal Canadian Mounted Police.
- 2.36 "Pet" is an animal kept in Town and has an owner.
- 2.37 "Park" means a public space controlled by the Town and set aside as a place to be used by the public for rest, recreation, exercise, pleasure, amusement and enjoyment and includes: playgrounds, sports fields, natural areas, pathways, park roadways, and trails but does not include golf courses or cemeteries.

- 2.38 "Residential Area or District" means any area in Town that is predominantly occupied by the dwellings of citizens or an area designated as such by the Town.
- 2.39 "Running at Large" means:
- a) an animal or animals which are not under the control of a person by means of a leash and is or are actually upon property other than the property which the owner of the animal or animals have the right of occupation, or upon any highway, thoroughfare, street, road, trail, avenue, parkway, lane, alley, square, bridge, causeway, sidewalk, boulevard, park or other public place which has not been designated as an off leash area by the Town.
- 2.40 "Service Dog" means a dog trained and certified to assist disabled persons.
- 2.41 "Shelter" means any facility that rescues, cares for and arranges fostering and adoption of animals or to offer protection and distress relief to an animal.
- 2.42 "Tattoo" a permanent mark or design made on the skin by a process of pricking and ingraining an indelible pigment or by raising scars.
- 2.43 "Town" means the Town of Drumheller and the entire area within its corporate boundaries.
- 2.44 "Unsuitable Pet Owner" means a person who appears to be abusive, neglectful or impaired and unable to provide proper care for an animal.
- 2.45 Vicious dog means any dog, whatever its age, whether on public or private property, that has:
- a) Bitten or chased a human or other animal, or
 - b) attempted to bite a human or has otherwise displayed, threatened or created by its behavior the reasonable apprehension of a threat to a person, or
 - c) has been previously determined to be a Dangerous Dog under the Dangerous Dogs Act.
- 2.46 "Violation Ticket" means a violation ticket as defined in the Provincial Offences Procedure Act of Alberta or a Bylaw violation tag.

SECTION 3 – RESPONSIBILITY OF OWNERS

- 3.1 No owner or person in charge of an animal shall abuse an animal or cause an animal to be in distress or to remain in a distressed state.

- 3.2 The owner or person in charge of an animal shall ensure at all times that the animal is not running at large.
- 3.3 No person shall do anything or omit to do anything where such act or omission has or may have the effect of causing or permitting the running at large of an animal in the Town.
- 3.4 The owner of an animal shall ensure at all times that the animal is housed, kept and cared for in a satisfactory manner ensuring that the animal has water, food and shelter.
- 3.5 The owner of an animal shall provide the animal with adequate care at all times.
- 3.6 The owner of an animal shall ensure that the animal does not cause a nuisance to other persons or animals or property.
- 3.7 The owner of an animal shall ensure that the animal is not housed or otherwise kept in any way that may cause the animal to become a nuisance to others.
- 3.8 The owner of an animal shall ensure that the animal is not harassed, teased, abused, molested or mistreated in any way.
- 3.9 The owner of an animal shall forthwith remove any defecation left by the animal on any public property or private property other than that of the owner.
- 3.11 The owner of the animal shall ensure that defecation left by an animal or animals on the property of the owner does not accumulate to such an extent that it is reasonably likely to pose a health risk, create a nuisance for other property owners or cause fecal odor to prevail in the air surrounding other adjacent or nearby properties.

SECTION 4 - PROHIBITIONS - GENERAL

- 4.1 No person shall harm, tease, harass, abuse, molest or mistreat an animal in any way.
- 4.2 No person shall permit an animal to run at large.
- 4.4 A dog may run in an area where this is lawfully permitted, for example an area posted with signage designated as an off leash zone, however
 - a) No owner convicted of an offence under this Bylaw relating to biting, injuring or chasing a human or other animal may allow the dog that was the subject of

this offence to be off leash or not wearing a muzzle when in a public place in Town at any time.

- 4.5 Any owner or person having care or control of an animal which:
- a) Bites or chases a human,
 - b) Exerts force in any way on a human,
 - c) Exerts force in any way that injures a human,
 - d) Barks, howls or otherwise behaves itself in such a fashion as to alarm or cause any human to fear for their personal safety,
 - e) Barks, howls or otherwise comports itself in such a fashion as to disturb any person, or in the opinion of a Bylaw Enforcement officer or peace officer is likely to disturb any person,
 - f) Causes the death of, injures or chases another animal,
 - g) Bites, chases or otherwise is a nuisance to other animals, livestock, automobiles, wildlife or other vehicles,
 - h) Damages any public or private property,
 - i) Is found in a cemetery in the Town,
 - j) Is found in any area where the animal is prohibited,
 - k) Causes a nuisance,
- Whether or not the animal is running at large, is guilty of an offence.

- 4.6 An owner, having been charged or convicted in respect of an offence under this Bylaw shall ensure that the dog wears a properly affixed muzzle and be on a leash under the control of an adult human at all times when that dog is not on the property of the owner.

SECTION 5 - PROHIBITIONS – UNATTENDED ANIMALS

- 5.1 No person shall leave an animal unattended in or on a motor vehicle so that the animal's well being or safety is placed in jeopardy.
- 5.2 No person shall leave an animal unattended in or on a motor vehicle so that the animal is liable to suffer from exposure to heat or cold, and,
- a) Any animal left in a motor vehicle shall have suitable ventilation so that the animal has access to fresh air but is not exposed to heat or cold.
- 5.3 No person shall leave an animal restrained and unattended inside or outside a motor vehicle, or in the case of a truck, where an animal is found in the open bed or box of the truck unrestrained and unattended so that the animal can come into contact with any other person or animal outside the motor vehicle.
- 5.4 No person shall leave an untethered or unrestrained animal in the open bed or box of a truck or open trailer while the truck is in motion or parked.

- 5.5 No person shall leave an animal unattended while the animal is tethered on premises where the public has access whether access is express or implied.
- 5.8 No person shall leave an animal tethered in a residential yard in such a manner that permits the animal to get within 2 meters of a fence or property line.

SECTION 6 - LICENSING – DOGS

- 6.1 No person shall own or keep any dog within the Town unless such dog is licensed as provided in this Bylaw.
- 6.2 **The owner of a dog shall obtain or renew a license for the dog from the Town and shall pay the** license fee as set out in Schedule 'A'.

A dog that has had a microchip identification implant and proof of this and microchip information has been provided to the CAO is exempt from the provisions of Section 6.
- 6.3 Upon receipt of the license fee the Town shall issue a license and a dog tag to the owner.
- 6.4 A dog tag issued under this Bylaw is valid for the term of the license.
- 6.5 The owner of a dog shall provide the dog with a collar and affix the dog tag securely to the collar.
- 6.6 The owner shall ensure that the collar and dog tag are worn by the dog when the dog is not on the property of the owner.
- 6.7 No person shall affix or permit to be affixed to a dog's collar a dog tag which has been issued in respect of another dog.
- 6.8 The owner of a dog shall obtain a license for a dog within 21 days after becoming the owner of the dog.
- 6.9 The owner of a dog purchased that is not yet 90 days old shall purchase a license for the dog once it has become 90 days old.
- 6.10 The owner of a dog under 90 days of age shall, if the dog is found running at large, obtain a license for the dog.
- 6.11 A guide dog or service dog of an owner who lives in the Town is not required to pay a fee for a license.

- 6.12 The requirements of this Bylaw to license a dog shall not apply to a humane society or other recognized animal control shelter or person holding a valid business license to a retail pet store, veterinary clinic, or an animal boarding facility.

SECTION 7 - LICENSING – CATS

- 7.1 No person shall own or keep any cat within the Town unless such cat is licensed as provided in this Bylaw.

- 7.2 **The owner of a cat shall obtain or renew a license for the cat from the Town and shall pay the** license fee as set out in Schedule 'B'.

A cat that has had a microchip identification implant and proof of this and microchip information has been provided to the CAO is exempt from the provisions of Section 7.

- 7.3 Upon receipt of the license fee the Town shall issue a license and a cat tag to the owner.
- 7.4 A cat tag issued under this Bylaw is valid for the term of the license.
- 7.5 The owner of a cat shall provide the cat with a collar and affix the cat tag securely to the collar.
- 7.6 The owner shall ensure that the collar and cat tag is worn by the cat when the cat is not on the property of the owner.
- 7.7 No person shall affix or permit to be affixed to a cat's collar a cat tag which has been issued in respect of another cat.
- 7.8 The owner of a cat shall obtain a license for a cat within 21 days after becoming the owner of the cat.
- 7.9 The owner of a cat purchased that is not yet 90 days old shall purchase a license for the cat when it becomes 90 days old.
- 7.10 The owner of a cat under 90 days of age shall, if the cat is found running at large, obtain a license for the cat.

The requirements of this Bylaw to license a cat shall not apply to a humane society or other recognized animal control shelter or person holding a valid business license to operate a retail pet store, veterinary clinic, or an animal boarding facility.

SECTION 8 - DOG AND CAT OWNERSHIP LIMITS

- 8.1 No person residing in the Town shall be permitted to keep more than three dogs.
- a) This limit shall not apply to persons residing in an agricultural or rural zone, as per the Land Use Bylaw, keeping dogs not for commercial purposes providing there are no violations at this location of this Bylaw.
- 8.2 No person residing in the Town shall be permitted to keep more than five cats.
- a) This limit shall not apply to persons residing in an agricultural or rural zone, as per the Land Use Bylaw, keeping cats not for commercial purposes providing there are no violations at this location of this Bylaw.
- 8.3 The ownership limits of section 8.1 and 8.2 do not apply to a humane society or person holding a valid business license to operate a retail pet store, veterinary clinic, or an animal boarding facility.

SECTION 9 - ANIMAL TRAPPING

- 9.1 No person shall set any animal trap outdoors in a manner that makes it probable any animal trapped will be injured, poisoned or killed.
- 9.2 No person shall set a cat trap outdoors :
- a) When the ambient temperature is zero degrees Celsius or below or in an area not shaded from the sun, unless the trap is being continually monitored by a resident of a property or animal control officer.
 - b) Between the hours of 11:00 p.m. and 6:00 a.m.
- 9.3 Cat and animal trapping will be primarily conducted by animal control officers.
- a) A resident with the approval of an animal control officer may be temporarily issued a cat trap to locate and detain a nuisance cat.
 - b) Any person trapping a cat shall immediately advise an animal control officer who shall take custody of the trapped cat. See Schedule 'E'.
 - c) Animal control officers shall make every reasonable effort to locate the owner of any trapped cat.
- 9.4 Animal Control Officers may set traps at their discretion to capture nuisance animals or animals that are running at large.
- 9.5 An animal repeatedly found at large by animal control officers shall be considered a nuisance animal and shall be seized and detained at the discretion of the CAO or his designate.
- 9.6 A nuisance animal detained shall not be returned to the owner until the owner has complied with, or contracted with the Town to comply with, direction contained in an order to remedy served on the owner by an animal control officer.

- 9.7 Animal control officers shall make every reasonable effort to locate and notify the owner of any trapped animal.

SECTION 10 - OTHER ANIMALS

- 10.1 No person shall keep livestock in any area of the Town except:
- a) Where the keeping of such animals is permitted under the Land Use Bylaw or
 - b) A person has had grandfathered permission for the keeping of such animals at the discretion of the Town.
- 10.2 No person shall keep exotic animals unless such animals are maintained in accordance with required provincial and federal permits, policies and any other law regulating their possession.

SECTION 11 - POWERS OF ANIMAL CONTROL OFFICERS

- 11.1 An animal control officer in the execution of the officer's duty is authorized to take all reasonable steps to immediately relieve the distress of an animal and,
- a) Once the distress is relieved the animal shall forthwith be taken to a qualified veterinarian for examination if, in the opinion of the animal control officer, such treatment is needed.
 - b) The cost of any veterinary treatment of the animal shall be the responsibility of the owner.
- 11.2 No person shall interfere, hinder or obstruct an Animal Control Officer in the execution of the Officer's duty in accordance with this Bylaw.
- 11.3 An animal control officer may seize and impound any animal:
- a) When there are reasonable and probable grounds to believe that the animal is the subject of an offence committed under this Bylaw.
 - b) The seizure of which is required pursuant to the provisions of any statute of the Province of Alberta, or any regulation made thereunder,
 - c) Pursuant to a court order enforceable in the Province of Alberta.
- 11.4 No action shall be taken against any owner of a dog or a dog:
- a) Found to be acting in self defense,
 - b) Found to have been provoked,
 - c) Acting in the course of attempting to prevent a person from committing an unlawful act.
- 11.5 An Animal Control Officer may, in the public interest, enter upon land surrounding any building for the purpose of pursuing any animal which has been observed to be running at large.

- 11.6 Any seized dog or cat shall be forthwith taken by Animal Control Officers to an animal control shelter.
- 11.7 Every reasonable effort shall be made by Animal Control Officers to locate and notify the owner of any animal seized under the authority of this Bylaw.

SECTION 12 - ORDERS TO REMEDY/ SEIZURE OF DISTRESSED AND SURRENDERED ANIMALS

- 12.1 A Bylaw Enforcement Officer believing on reasonable and probable grounds that an animal is living in unsatisfactory conditions and/or has become a nuisance may issue and deliver a verbal or written order to remedy to the owner or person in charge of the animal to rectify the issue:
- a) The owner of the animal will have 3 days to rectify the problem and advise Bylaw Enforcement Officers of the remedial action taken; or
 - b) A Bylaw Enforcement Officer may, after complying with section 542 of the Municipal Government Act, R.S.A. 2000 c.M-26, enter on private property for purpose of inspecting and assessing improvements made as stipulated in the order to remedy.
 - c) If no improvements are undertaken as per the order to remedy the owner or person in charge of the animal served the order to remedy is guilty of an offence.
- 12.2 Notwithstanding any other provision of this Bylaw, a Bylaw Enforcement officer believing on reasonable and probable grounds that an animal is in distress may exercise his authority under the provincial Animal Protection Act to immediately relieve the distress of the animal including taking any action the peace officer considers necessary to locate the animal and relieve its distress including taking custody and arranging veterinary care for the animal.
- a) Notwithstanding any other provision of this Bylaw, if an owner is unable or unwilling to rectify the unsatisfactory living conditions of an animal, or can no longer provide for the animal, the owner of that animal may, at any time, voluntarily relinquish ownership of the animal and the animal shall be unconditionally surrendered by the owner to any Animal Control Officer.

SECTION 13 - ANIMAL CONTROL

- 13.1 The Town may contract with any person, firm, society or body corporate for the purpose of maintaining an animal control shelter of such size and design and in such a location as the CAO may from time to time direct and for the purposes of this Bylaw any such facility is the animal control shelter.
- 13.2 The Town may, from time to time, set fees and costs for care and sustenance of impounded animals kept at an animal control shelter.

- 13.3 An owner of an impounded animal may reclaim their animal upon providing proof of identity of the owner, proof of ownership of the seized animal to an animal control officer and payment to the Town of:
- a) The total of all impoundment fees, care and sustenance charges.
 - b) Veterinary expenses if such care was needed for the animal,
 - c) Any outstanding license fees unless satisfactory proof, the onus of which is on the owner to produce, is shown to an animal control officer indicating that the animal is not normally a resident of the Town.
- 13.4 When an animal has been in the Animal Control Shelter for seventy two hours or more and the owner has not reclaimed the animal in accordance with Section 13.3 the animal in question becomes the property of the Town and the animal, at the discretion of the CAO or his designate, will be:
- a) Sold, or
 - b) Placed with a new owner, or
 - c) Placed under the care of the Drumheller and District Humane Society, or
 - d) Destroyed
- 13.5 When the owner of an impounded animal advises an animal control officer that the owner has no further interest in the impounded animal the owner shall sign a declaration of forfeiture and by doing so will surrender any claim of ownership to the animal notwithstanding that the animal may have been in the Animal Control Shelter less than seventy two hours.
- a) Any surrendered animal immediately becomes the property of the Town and shall be disposed of under the conditions of Section 13.4.
 - b) Notwithstanding any forfeiture an owner shall remain liable for any costs and fees incurred in respect of the animal.
- 13.6 When the owner of an animal advises an Animal Control Officer that the owner has no further interest in the animal and requests an Animal Control Officer to pick up the animal from property of the owner the owner shall sign a declaration of forfeiture and by doing so will surrender any claim of ownership to the animal.
- a) Any surrendered animal immediately becomes the property of the Town and shall be disposed of under the conditions of Section 13.4.
 - b) Notwithstanding any forfeiture an owner shall remain liable for any costs and fees incurred in respect of the animal.
- 13.7 Statutory holidays shall not be included in calculating the length of time an animal has been impounded.

SECTION 14 - OFFENCES AND PROSECUTION

14.1 ISSUANCE OF BYLAW VIOLATION TAG/PROVINCIAL VIOLATION TICKET

14.1.1 A Peace Officer is authorized to issue a Bylaw violation tag to any person that the Peace Officer believes on reasonable and probable grounds has contravened any provision of this Bylaw.

- a) Notwithstanding any other provision of this Bylaw a Peace Officer is authorized to immediately issue a Province of Alberta Violation Ticket pursuant to the Provincial Offences Procedure Act.
- b) A Bylaw Violation Tag may be issued to a person personally, or by mailing a copy to the person at his or her last known address.
- c) Nothing in this Bylaw shall prevent a Peace Officer from issuing a Bylaw Violation Tag or Provincial Violation Ticket for the mandatory court appearance of any person who contravenes any provision of this Bylaw.
- d) If the penalty specified on the Bylaw Tag served to a person is not paid within a prescribed time period then a Peace Officer is authorized to issue a Provincial Violation Ticket pursuant to the Provincial Offences Procedures Act.

14.2 OFFENCES/PROSECUTION/PENALTIES

14.2.1 Any person who contravenes any provision of this Bylaw is guilty of a summary conviction offence punishable by a fine of not less than fifty dollars and not exceeding five thousand dollars or to imprisonment for a period not exceeding 6 months or both. Mandatory minimum penalties for offences of this Bylaw are listed in Schedule 'C'.

14.2.2 Offences of a continuing nature shall be deemed to constitute a separate offence for each day or part of a day that the offence continues.

14.2.3 Any person who is found in contravention of the same section of this Bylaw on more than one occasion will be liable to an increased penalty for that contravention if the Section violated in Schedule 'C' stipulates increased fines for second and third offences.

SECTION 15 - APPEALS

15.1 Any order to remedy issued by an Animal Control Officer, not including the issuance of a Violation Ticket with the order to remedy, can be appealed in writing to the Community Standards Appeal Board of the Town by filing written notice with the Town Clerk within 7 days of the delivery of the Order to a person.

15.2 The Appeal Board may confirm, revoke or modify the order to remedy.

SECTION 16 - REPEAL

Town of Drumheller Bylaw number 23-00 is hereby repealed.

SECTION 17 - COMMENCEMENT

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This Bylaw shall become effective on the date of the final passing thereof.

DRAFT

SCHEDULE 'A'

DOG ANNUAL LICENSE FEES (VALID 1 YEAR FROM DATE OF ISSUANCE)

SPAYED OR NEUTERED - \$35.00

NOT SPAYED OR NEUTERED – \$45.00

LICENSE FEE MICROCHIPPED DOG -

DRAFT

SCHEDULE 'B'

CAT ANNUAL LICENSE FEES (VALID 1 YEAR FROM DATE OF ISSUANCE)

SPAYED OR NEUTERED – \$35.00

NOT SPAYED OR NEUTERED – \$45.00

LICENSE FEE MICROCHIPPED CAT -

SCHEDULE 'C'

MANDATORY MINIMUM SPECIFIED PENALTIES

FAIL TO COMPLY WITH ORDER TO REMEDY

\$250.00

OWNER OF ANIMAL RUNNING AT LARGE

1st Offence - \$100.00

2nd Offence - \$150.00

3rd Offence - \$250.00

DOG UNLICENSED

1st Offence -50.00

2nd Offence -150.00

3rd Offence- 250.00

CAT UNLICENSED

1st Offence-50.00

2nd Offence-150.00

3rd Offence-250.00

DOG BITING A HUMAN

1st Offence-250.00

2nd Offence -500.00

DOG BITING ANOTHER ANIMAL

Offence - \$250.00

Offence - \$500.00

ANIMAL CRUELTY

\$500.00

ANNOY, TORMENT OR HARASS AN ANIMAL

\$350.00

SET KILLING TRAP

\$500.00

DOG HABITUALLY BARKING/DISTURBING OTHERS/CAUSE NUISANCE

1st Offence - \$100.00

2nd Offence - \$150.00

3rd Offence - \$250.00

KEEPING ANIMALS IN EXCESS OF LIMIT

\$250.00

KEEPING ANIMALS CONTRARY TO LAND USE DISTRICT

\$250.00

FAIL TO REMOVE ANIMAL DEFECATION FROM PUBLIC AREA

\$50.00

**FAIL TO REMOVE DEFECATION FROM OWN PROPERTY/CAUSE NUISANCE
/OFFENSIVE ODOUR**

\$250.00

OBSTRUCT ANIMAL CONTROL OFFICER DURING EXECUTION OF DUTIES

\$500.00

DOG UNLEASHED IN PUBLIC AREA / NOT IN OFF LEASH AREA

\$150.00

DOG NOT UNDER CONTROL IN OFF LEASH AREA

\$150.00

**DOG BARKS, HOWLS OR OTHERWISE BEHAVES CAUSING PERSON TO BE
DISTURBED OR FEAR FOR THEIR SAFETY**

\$350.00

IMPROPER USE OF DOG/CAT TAG

\$150.00

ANIMAL IN PROHIBITED AREA

\$150.00

ANIMAL UNATTENDED IN MOTOR VEHICLE

\$150.00

**ANIMAL UNRESTRAINED IN OPEN BOX OF TRUCK OR TRAILER WHILE
TRUCK OR TRAILER IS IN MOTION OR PARKED**

\$150.00

ANIMAL IN CEMETERY

\$100.00

**LEAVE DOG OR CAT UNATTENDED WHILE TETHERED ON PREMISES
ACCESSIBLE TO PUBLIC**

\$150.00

**FAILURE TO KEEP DOG CONVICTED OF BITING, INJURING OR CHASING A
HUMAN OR OTHER ANIMAL ON LEASH WITH MUZZLE AFFIXED**

\$250.00

SCHEDULE 'D'

FORM OF NOTICE OF ANIMAL SEIZURE

TO: (Owner of Animal – address of Owner as shown in Town records)

Take notice that an animal bearing Town of Drumheller dog/cat tag # _____ registered under the above name and address was impounded on _____ pursuant to the provisions of the Town of Drumheller Responsible Pet Ownership Bylaw and that, unless this animal is claimed by the owner and all applicable charges paid on or before _____ the animal may be disposed of under the authority of Section 115 of the Responsible Pet Ownership Bylaw without further notice to you.

This animal may be claimed by contacting the Town of Drumheller at 403 823 6300 or attending Town Hall at 703 2nd Ave. West Drumheller. Thank you.

Town of Drumheller
Community/Bylaw Enforcement



DRUMHELLER

COMMUNITY SERVICES

Agenda Item # 5.4.2



CAT TRAP AGREEMENT

Between the Town of Drumheller and trap user noted below

I, (full name of trap user) _____

of (address) _____

with the home phone # of: _____ alternate #: _____

agree to the following:

- to accept full responsibility for the cat trap and for any animal caught in the trap. Animal cruelty or neglect may result in prosecution under provincial/federal laws.
- to check the trap during reasonable intervals in order to ensure that an animal's health is not jeopardized while caught in the trap. The trap will not be set: overnight, on weekends, during periods of severe temperatures/weather, or while myself or family members leave the Town. A Bylaw Officer may only be able to collect the animal during business hours from Monday to Friday, between the hours of 8:00 am and 3:30 pm. I am willing to allow a Bylaw Officer to access my property to set, check on, or remove the trap.
- if a cat or other animal is caught in the trap I will phone a Bylaw Officer at (403) 823-7590 or (403) 823-0094 (cell).
- to properly care for the welfare of the animal (food, water, and shelter) until the animal is in the custody of a Bylaw Officer. Sheltering the animal may be achieved by placing a blanket over the trap or placing the trap in a cardboard box. If an unusual situation occurs, I understand that I may need to release the animal from the trap or contact a Veterinarian regarding the health of the animal.
- to allow the Town of Drumheller - Protective Services to release copies of this completed form. Under the appropriate authority, copies may be available to federal or provincial government departments/agencies. In the event that this investigation leads to a civil, criminal, or administrative proceeding, this completed form will be made available to the person(s) under investigation, their counsel, or agent acting on their behalf. I understand that I could be required to testify during such a proceeding.

This information is being collected for law enforcement purposes in accordance with section 33 of the Freedom of Information and Protection of Privacy Act (Chapter F-25). Questions about the collection of this information can be directed to the *Freedom of Information and Protection of Privacy Coordinator* for the Town of Drumheller at: 703 - 2 Avenue West, Drumheller, Alberta, T0J 0Y3 Phone: (403) 823-6300

Date: _____ Signature of trap user: _____

Signature of Bylaw Officer: _____



DRUMHELLER
COMMUNITY SERVICES

Agenda Item # 5.4.2

BYLAW VIOLATION TAG

This official Tag is issued for breach of:

Bylaw _____ Section _____

Description of Offence: _____

VIOLATION LOCATION

	DATE (yr\mo\da)	TIME
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Upon presentation of this Bylaw Violation Tag within **fourteen (14) days** from the date of issuance, together with voluntary payment of penalty indicated, such payment will be accepted in lieu of prosecution.

PAYMENT FAILURE WILL RESULT IN PROSECUTION IN PROVINCIAL COURT

Payment can be made at Town of Drumheller office during regular office hours. Payment may be made in cash, interact, money order or cheque, (payable at par.)

Penalty: \$

REGISTERED OWNER

NAME (Last, Given Names)			
ADDRESS			
VEHICLE LICENCE No.	PROV	VEHICLE MAKE	YEAR
COLOUR	VEHICLE SERIAL NUMBER		

SUBJECT NAME: (if known)

NAME (Last, Given Names)			
ADDRESS			
RESIDENCE TELEPHONE No.	BUSINESS TELEPHONE No.	DATE OF BIRTH (yr\mo\da)	
OPERATOR'S LICENSE No.	YEAR	PROVINCE	CLASS

Animal(s) Description: _____

What type of Animal(s) is it: _____

What colour is the animal(s)?: _____

You are required to remedy the above condition on or before the date shown.

REPORT FOR PAYMENT AT	Before DATE (yr\mo\da)
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TOWN OF DRUMHELLER

Town Hall

703 - 2nd Avenue West

Drumheller, Alberta T0J 0Y3

Phone: (403) 823-6300 Fax: (403) 823-7739

Violation Tag No. **0666**

ISSUED BY (Member's Signature)	MEMBER No.
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Agenda Item # 7.2**PROCLAMATION**

WHEREAS; every year, approximately 3,000 Albertans die as a result of tobacco use. Many more Albertans more suffer from tobacco-related illnesses; and

WHEREAS; many Albertans already take an active role in protecting themselves and loved ones from the health risks of tobacco and many more want to take that active role.

WHEREAS; NATIONAL NON-SMOKING WEEK aims to raise awareness about the health effects of tobacco, in all its forms, and to provide education on the resources and support services available for those who are looking to reduce or quit tobacco use.

THEREFORE, I MAYOR TERRY YEMEN, DO HEREBY PROCLAIM THE WEEK OF JANUARY 21ST AS "NON SMOKING WEEK" IN THE TOWN OF DRUMHELLER.

Dated this 21ST day of January, 2013