

BYLAW NO. 2007-04

ANIMAL CONTROL BYLAW

A BYLAW OF THE TOWN OF RAINBOW LAKE, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING AND CONTROLLING ANIMALS.

WHEREAS, under the provisions of the *Municipal Government Act*, R.S.A. 2000, c. M 26, as amended or repealed and replaced from time to time, authorizes the Town to regulate and control by bylaw, wild and domestic animals and activities in relation to them by bylaw;

AND WHEREAS the Council of the Town of Rainbow Lake deems it advisable to adopt such a bylaw;

NOW THEREFORE the Municipal Council of the Town of Rainbow Lake duly assembled, enacts as follows:

1. This Bylaw may be cited as the "Animal Control Bylaw".
2. DEFINITIONS:
 - (a) "Adjacent" – means land that abuts a parcel and land that would abut that parcel if not for the presence of a road, lane, walkway, watercourse, utility lot, pipeline right of way, power line, railway or similar feature;
 - (b) "Animal" – means any live creature, both domestic and wild, and includes fowl, fish and reptiles, but does not include a human;
 - (c) "Animal Shelter" - means the facility or facilities designated by the Town from time to time as the location for the impoundment and care of Animals subject to this Bylaw;
 - (d) "At Large" - means any Animal that is present at any place other than the property of its Owner and which is not being carried by any person, or which is not otherwise restrained or under physical control of a person by means of some form of Restraining Device securely holding that Animal;
 - (e) "Bylaw Enforcement Officer" - means a Bylaw Enforcement Officer appointed by Municipal Council to enforce the provisions of this Bylaw and includes a member of the Royal Canadian Mounted Police and, when authorized, a Special Constable;
 - (f) "Cat" or "Cats" - means either a male or female of a feline species;
 - (g) "Dog" or "Dogs" - means either a male or female of a canine species;

- (h) “Kennel” – means any place, owned by any person, group of persons or corporation engaged in the commercial business of breeding, buying, selling, training or boarding of Animals.
- (i) “Land Use Bylaw” – means the Town’s Land Use Bylaw No.99-05 as amended or repealed and replaced from time to time;
- (j) “License Tag” – means identification tag of metal or other material issued by the Town showing the license number of a specific Animal;
- (k) "Motor Vehicle" - means a Motor Vehicle as defined in the *Traffic Safety Act*, R.S.A. 2000, c.T-6, as amended or repealed and replaced from time to time;
- (l) "Municipal Council" - means the Municipal Council of the Town of Rainbow Lake in the Province of Alberta;
- (m) “Over-Limit Permit” – means a permit, in the form attached as Schedule “B” to this Bylaw, and issued to an Owner pursuant to Section 5 of this Bylaw permitting the keeping or harbouring on the Owner’s property Dogs or Cats in excess number permitted pursuant to Section 5 of this Bylaw;
- (n) "Owner" - means a person:
 - (i) who has the care, charge, custody, Possession or control of the Animal;
 - (ii) who owns or claims a proprietary interest in the Animal;
 - (iii) who harbours, suffers, or permits an Animal to be present on any property owned or under his control;
 - (iv) who claims and receives an Animal from the custody of the Animal Shelter or a Bylaw Enforcement Officer; or
 - (v) a person to whom a License Tag was issued for a Dog in accordance with this Bylaw;
- (o) "Possession" - means a person who:
 - (i) has physical or effective control of an Animal;
 - (ii) has transferred physical or effective control of an Animal to another person for the purpose of allowing that person to exercise control over that Animal for a period of time; or
 - (iii) where one of two or more persons, with the knowledge and consent of the other or others, has physical or effective control of an Animal, the Animal shall be deemed to be in the control of each and all of them;

- (p) "Property Owner" - means a person having a legal or equitable interest in any land, building or structure within the Town, including any resident, tenant or occupier of such land or building;
- (q) "Private Property" – means all property within the Town other than property constituting Public Property;
- (r) "Public Property" - means property owned by or under the control and management of the Government of Canada, the Government of Alberta or the Town, contained within the boundaries of the Town;
- (s) "Registered Veterinarian" – means a Registered Veterinarian as defined in the *Veterinary Profession Act*, R.S.A. 2000, c.V-2, as amended or repealed and replaced from time to time;
- (t) "Restraining Device" - means any leash or other restraining system capable of allowing the Owner to maintain adequate control of the attached Animal, or if located on the property of the Owner, capable of retaining the Animal within the boundaries of the Owner's property;
- (u) "Secure Enclosure" – means a building, cage, fenced area or other enclosure for the retaining of an Animal and which prohibits the Animal from jumping, climbing, digging or using any other means to exit the enclosure, and which is capable of prohibiting the entry of young children into the enclosure;
- (v) "Serious Wound" – means an injury resulting from an Animal attack which causes a breaking of the skin or the flesh to be torn;
- (w) "Town" - means the Town of Rainbow Lake;
- (x) "Town Manager" – means the Chief Administrative Officer for the Town of Rainbow Lake, regardless of the specific title that may be conferred on that Officer by Municipal Council from time to time;
- (y) "Unattended" means to leave an Animal within a yard during the absence of its Owner for a period greater than 24 hours.
- (z) "Vicious Animal" – means:
 - (i) any Animal with a known propensity, tendency or disposition to attack, chase or bite without provocation, other domesticated Animals or humans;
 - (ii) any Animal which has inflicted a Serious Wound upon another domestic Animal or human without provocation, but shall not include an Animal that has inflicted a Serious Wound upon a trespasser on the property of its Owner or any property controlled by its Owner;

- (iii) a Dog which has been the subject of an order or direction of a Justice, pursuant to the *Dangerous Dogs Act*, R.S.A. 2000, c. D-3, as amended or repealed and replaced from time to time; or
- (iv) any Animal that is declared to be vicious pursuant to the provisions of this Bylaw;
- (aa) "Violation Tag" – means a tag or similar document issued by the Town pursuant to the provisions of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time;
- (bb) "Violation Ticket" – means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act*, R.S.A. 2000, C. P-34, as amended, or repealed and replaced from time to time, and any Regulations thereunder.

3. LICENSING PROVISIONS

- (a) Every person who resides within the borders of the Town and who is the Owner of a Dog, or Cat that is over the age of three (3) months shall apply for a license as set out within this Section, by paying the applicable fee as set out in Schedule "A" to this Bylaw, and providing such information as may be required on the application form prepared by the Town Office;
- (b) A License under this Bylaw must be renewed on an annual basis, by paying the applicable license fee to the Town Office prior to January 31st in each year. Any person who fails to renew a license within this time limit is guilty of an offence.
- (c) Every person who residing in the Town who becomes an Owner of a Dog or Cat that is over the age of three (3) months, or who takes up residence within the Town and who is the Owner of a Dog, or Cat that is over the age of three (3) months, shall apply for a license as set out in this Section, and pay the applicable fee as set out in Schedule "A" to this Bylaw, within fifteen (15) days of becoming the Owner of such a Dog, Cat or Exotic Pet, or of taking up residence in the Town;
- (d) A Dog, or Cat Owner shall provide the following information with each application for a license:
 - (i) name, phone number, and street and rural address of the Owner;
 - (ii) name and description of the Dog or Cat to be licensed;
 - (iii) with respect to a Dog, the breed or breeds; and
 - (iv) such other relevant and necessary information as may be required by the Town Manager in respect of the application;
- (e) An Owner of an Unlicensed Dog or Cat is guilty of an offence;

- (f) Licenses issued under this Bylaw shall not be transferable from one Animal to another, nor from one Owner to another;
- (g) Upon payment of the required license fee, and providing the information set out in Section 3(c) herein, the Owner will be supplied with a License Tag having a number which will remain registered to that Dog or Cat, year to year;
- (h) Every Owner shall ensure that the License Tag is securely fastened to a choke chain, collar or harness worn by the Dog or Cat at all times whenever the Dog, or Cat is on property other than the property of its Owner or property controlled by him;
- (i) An Owner of a licensed Dog or Cat or Exotic Pet is guilty of an offence if, while the Dog, or Cat is on property other than the Owner's property or property controlled by him, the Dog is not wearing a License Tag;
- (j) The Owner of a Dog, or Cat that has been duly licensed under this Bylaw, may obtain a replacement License Tag for one that has been lost, upon payment of the replacement License Tag fee as set out in Schedule "A" to this Bylaw;
- (k) The provisions of this Section shall not apply to the following:
 - (i) holders of a valid Development Permit, issued pursuant to the Land Use Bylaw, authorizing the operation of a Kennel or similar facility, but only in regard to those Dogs or Cats which have been boarded at the Kennel or facility, owned by persons other than the operators of the Kennel or facility, or those Dogs or Cats which are intended for sale;
 - (ii) persons temporarily visiting in the Town for a period not exceeding four (4) weeks;
 - (iii) not-for-profit associations engaged in the provision of specialized Dog services, including but not limited to guide Dogs and search and rescue Dogs;
 - (iv) Dogs employed by police services;
 - (v) not-for-profit associations engaged in the provision of temporary shelters for abandoned or rescued Animals;
 - (vi) handicapped persons holding an identification card proving ownership of a guide or assistance Dog for their use; or
 - (vii) Dogs or Cats under 3 months of age;
- (l) No person is entitled to a refund or a rebate for any License Tag fee;

- (m) The Town shall keep a record of the name, address and phone number of each Owner, and the name, description, breed, color and sex of each licensed Dog or Cat as applicable, together with the date of registration of the Animal, the number on License Tag and the amount of the fee paid.

4. NUMBER OF DOGS OR CATS

- (a) No more than three (3) Cats, three (3) Dogs, or three (3) Dogs and Cats in combination shall be harboured, suffered or permitted to remain upon or in any land, house, shelter, room or place, building structure, or premises within the Town, unless:
 - (i) the premises are lawfully used for the care and treatment of Animals, operated by or under the charge of a Registered Veterinarian;
 - (ii) the Owner is the holder of a valid and subsisting Development Permit to operate a Kennel, Animal Hospital and Shelter or other Animal operation as authorized by the Land Use Bylaw;
 - (iii) the Dogs or Cats in excess of the limit are under three months of age, and the offspring of a licensed Dog or Cat residing at the same location;
 - (iv) the Owner is a not-for-profit association or government organization engaged in the provision of specialized Dog services, including but not limited to guide Dogs, police Dogs, and search and rescue Dogs; or
 - (v) the Owner is the holder of a valid Over-Limit Permit issued under Section 5 of this Bylaw;
- (b) Any person who keeps or harbours an excess number of Dogs or Cats is in contravention of this Section and is guilty of an offence.

5. OVER-LIMIT PERMITS

- (a) Notwithstanding Section 4, the Town Manager or his designate may issue to an Owner an Over-Limit Permit;
- (b) Any person wishing to obtain an Over-Limit Permit must complete an Over-Permit Limit Application Form in the form attached as Schedule "B" to this Bylaw and submit the completed Application Form, together with the fee, to the Town Manager or designate;
- (c) As a part of the application process, a person wishing to obtain an Over-Limit Permit shall request that those residents immediately Adjacent to the property of the Dog or Cat Owner submit to the Town, within 21 days, written comments in support or opposition to the application;

- (d) Upon receipt of a completed Over-Limit Permit Application Form, the Town Manager or his designate shall consider the Over-Limit Permit Application, any written comments received from Adjacent residents within the time limit, and may, in his sole and absolute discretion:
 - (i) refuse to grant an Over-Limit Permit;
 - (ii) grant an Over-Limit Permit;
 - (iii) grant an Over-Limit Permit upon such additional terms and conditions as he deems appropriate;
- (e) An Over-Limit Permit shall not be transferable;
- (f) The Town Manager or his designate may revoke an Over-Limit Permit if:
 - (i) the Town Manager or his designate receives bona fide complaints from two or more residents living Adjacent to the Over-Limit Permit holder's residence;
 - (ii) the Town Manager or his designate determines that an Adjacent resident was not properly notified by the permit holder of the right to submit written comments in opposition to the application;
 - (iii) the Over-Limit Permit Holder harbours Dogs or Cats in excess of the number permitted by the Over-Limit Permit; or
 - (iv) the Over-Limit Permit holder is found guilty of an offence pursuant to Section 6 of this Bylaw;
- (g) If the Town Manager or his designate revokes an Over-Limit Permit, no refund of the Over-Limit Permit fee shall be made.

6. GENERAL OFFENCES

- (a) An Owner whose Animal is At Large is guilty of an offence;
- (b) The Owner an Animal that barks, howls or otherwise makes such noise so as, in the opinion of a Bylaw Enforcement Officer, disturb the quiet or repose of any person, is guilty of an offence;
- (c) The Owner of an Animal that bites, attacks, threatens or injures any person is guilty of an offence;
- (d) The Owner of an Animal that chases a Motor Vehicle, bicycle, person on horseback or person walking or running, is guilty of an offence;

- (e) The Owner of an Animal that kills, attacks, injures, or otherwise harasses livestock, poultry, or other Animals owned by another person, is guilty of an offence;
- (f) The Owner of an Animal that causes damage to Public or Private Property within the Town is guilty of an offence;
- (g) Where an Animal has defecated on any Public or Private Property within the Town other than the property of the Animal's Owner, the Owner shall be required to remove such defecation immediately, and failure to do so shall constitute an offence;
- (h) The Owner of an Animal that allows any defecated matter to remain on the Owner's property or to accumulate to such an extent as to, in the opinion of a Bylaw Enforcement Officer, constitute a nuisance by way of odour, unsightliness or detrimental impact on the use, enjoyment or value of Adjacent property, is guilty of an offence;
- (i) Any Owner that permits an Animal to enter or remain in any public bathing, swimming or wading pool is guilty of an offence;
- (j) An Owner of a female Animal in estrus or "heat" is guilty of an offence if the Owner of that female Animal does not keep the Animal contained or restrained, both on and off the Owner's property, in a manner sufficient to avoid attracting other Animals;
- (k) Any person who, without the knowledge or consent of the Owner, unties, loosens or otherwise frees an Animal that was tied or otherwise restrained, or negligently or willfully opens a gate, door or other opening in a fence or enclosure in which an Animal has been confined and thereby allows the Animal to run At Large is guilty of an offence;
- (l) Any person who interferes with, prohibits, or otherwise impedes a Bylaw Enforcement Officer in the performance of the Officer's duties under this Bylaw is guilty of an offence.
- (m) The Owner of an Animal that has been left Unattended is guilty of an offence.

7. VICIOUS ANIMALS

- (a) An Owner of a Vicious Animal shall:
 - (i) while that Vicious Animal is on any property other than the property of its Owner, secure and control the Vicious Animal by means of a Restraining Device under the physical control of the Owner or a person over the age of eighteen (18) years, in possession of the Animal with the Owner's consent;

- (ii) While on the Owner's property, confine the Vicious Animal within a Secure Enclosure, or within the residence of the Owner, under the supervision and control of a person over the age of eighteen (18) years.
- (b) An Owner who fails to comply with the provisions of Section 7(a) is guilty of an offence.
- (c) An Owner of a Vicious Animal shall:
 - (i) license the Animal as a "Vicious Animal," and follow the provisions set out in Section 3, which includes paying the applicable fee for a "Vicious Animal" as set out in Schedule "A" to this Bylaw; and
 - (ii) maintain in force a policy of liability insurance in a form satisfactory to the Town Manager providing third party liability coverage in a minimum amount of five hundred thousand (\$500,000.00) dollars for injuries caused by the Owner's Vicious Animal;
- (d) The Owner of a Vicious Animal must immediately notify the Town should the policy expire, be cancelled or terminated, and upon cancellation, expiry or termination of the liability policy, the Vicious Animal License shall be null and void, unless the Town receives written proof that a new insurance policy has been secured, meeting the requirements of Section 7(c)(ii), within 15 days of the cancellation of the original policy;
- (e) The Town Manager may, at his discretion, require the Owner of a Vicious Animal to post a sign at all entrances to his property stating "Vicious Animal", and where so directed, the Owner of Vicious Animal who fails to do so is guilty of an offence;
- (f) Where the Owner of an Animal that has been deemed to be a Vicious Animal pursuant to this Bylaw is guilty of any offence under Section 6 of this Bylaw, the fine established pursuant to this Bylaw for that violation under Section 6, as indicated in Schedule "C", may be doubled;
- (g) The Town Manager may declare an Animal to be a Vicious Animal, where he or she has reasonable grounds to believe that, either through personal observation or on the basis on facts determined after an investigation of a complaint, the Animal:
 - (i) has a known propensity, tendency or disposition to attack, chase or bite without provocation, other domesticated Animals or humans;
 - (ii) has inflicted a Serious Wound upon another Animal or a human, without provocation; or
 - (iii) has been the subject of an order or direction of a Justice, pursuant to the *Dangerous Dogs Act*, R.S.A. 2000, c. D-3, as amended or repealed and replaced from time to time.

- (h) Where the Town Manager determines that an Animal is a Vicious Animal he or she shall:
 - (i) serve the Owner with a written notice that the Dog has been declared to be a Vicious Animal;
 - (ii) direct the Owner to keep the Vicious Animal in accordance with the provisions of Section 7(a) of this Bylaw, and provide the Owner with a time limit for constructing the required Secure Enclosure; and
 - (iii) inform the Owner that, if the Vicious Animal is not kept in accordance with Section 7(a) of this Bylaw, the Owner may be fined, or subjected to enforcement action pursuant to this Bylaw;
- (i) A Notice under Section 7(h) above, shall include a summary of the applicable Bylaw provisions governing Vicious Animals.

8. POWERS OF A BYLAW ENFORCEMENT OFFICER AND IMPOUNDMENT

- (a) A Bylaw Enforcement Officer is a designated officer of the Town for the purposes of inspections, investigations and enforcement of this Bylaw and, in addition to any other powers or authority granted under this Bylaw or other enactment, is authorized to:
 - (i) capture and impound in an authorized Animal Shelter any Animal that is At Large;
 - (ii) to take any reasonable measures necessary to subdue any Animal, including the use of tranquilizer equipment and materials;
 - (iii) to enter onto lands surrounding any building in pursuit of an Animal while that Animal is At Large; and
 - (iv) if an Animal is in distress, whether or not as a result of enforcement actions taken pursuant to this Bylaw, to take the Animal to a Registered Veterinarian for treatment and, once treated, to transfer the Animal to the Animal Shelter.
- (b) All costs and expenses incurred by the Town as a result of veterinary treatment pursuant to Section 8(iv) above, shall be recoverable from the Owner of the Animal as a lawful debt owed to the Town;
- (c) Animals impounded in the Animal Shelter shall be kept for a period of at least 72 hours. In the calculation of the 72 hour period, Saturdays, Sundays, Statutory Holidays and days that the Animal Shelter is not open shall not be included;

- (d) Where an Animal that has been impounded bears obvious identification tattoos, brands, marks, tags or licenses, the Animal must be kept by the Animal Shelter a minimum of 30 days from the date the Animal was impounded; [
- (e) During the period established in Section 8(c) or 8(d) above, the Animal may be redeemed by its Owner, except as otherwise provided in this Bylaw, upon payment to the Town or its authorized agent of:
 - (i) the impoundment fee as established at Schedule "A" of this Bylaw;
 - (ii) the cost of any veterinary treatment provided in respect of the Animal pursuant to this Bylaw, or the *Animal Protection Act*, R.S.A. 2000, c. A-41, as amended, or repealed and replaced from time to time; and
 - (iii) in the case of an unlicensed Dog or Cat, the appropriate license fee.
- (f) At the expiration of the time period established at Section 8(c) or 8(d) above, the Municipal Council or its designate is authorized to:
 - (i) offer the Animal for sale or as a gift;
 - (ii) destroy the Animal in a humane manner;
 - (iii) allow the Animal to be redeemed by its Owner in accordance with the provisions of Section 8(e) above; or
 - (iv) continue to impound the Animal for an indefinite period of time or for such further period of time as the Bylaw Enforcement Officer, in his or her discretion, may decide;
- (g) Proceeds of the sale of an Animal may be distributed in accordance with the priorities set by Section 7 of the *Animal Protection Act*, R.S.A. 2000, c. A-41, as amended or repealed and replaced from time to time;
- (h) No action shall be taken against any person, including a Bylaw Enforcement Officer, acting under the authority of this Bylaw for damages for destruction or other disposal of any Animal.
- (i) Where a Bylaw Enforcement Officer determines that an Animal is Unattended, and is, in the determination of the Bylaw Enforcement Officer, in distress, at risk of harm, deprived of adequate food, water, shelter or companionship, or causing a nuisance, the Bylaw enforcement Officer may enter onto a yard, including a cage or pen located within a yard, and take the Animal into the possession of the Town.
- (j) When a Bylaw Enforcement Officer exercises his or her authority under section 8(i), he or she shall leave a written Notice at the location from which the Animal was removed advising of the reason the Animal was taken into possession, the location at which the Animal can be reclaimed, and the process for reclaiming the

Animal. The Bylaw Enforcement Officer shall also make all reasonable effort to contact the Owner of the Animal, if known, to advise of the removal of the Animal and the process for recovering it.

- (k) Where an Animal is taken into possession by the Town under section 8(i), the Bylaw Enforcement Officer may rely upon the provisions of sections 8(a) and 8(b) of this Bylaw.
- (l) The provisions of sections 8(c)-(g) shall not apply to an Animal taken into the possession of the Town under section 8(i). The Animal shall be delivered to an Animal Shelter and shall be retained in the possession of the Animal Shelter for a period of at least 14 days. In the event that the Animal is not reclaimed by its Owner or a person authorized in writing to act as agent of the Owner within 14 days of the Animal coming into the possession of the Town, the Town may proceed to seek a Court Order

9. PENALTIES

- (a) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on a summary conviction to a penalty as set out in Schedule "C" herein;
- (b) Notwithstanding Section 9(a) of this Bylaw, any person who commits a second or subsequent offence under this Bylaw within one (1) year of committing a first offence under this Bylaw, may be liable to an increased fine as set out in Schedule "C" of this Bylaw;
- (c) Under no circumstances shall no person contravening any provision of this Bylaw be subject to the penalty of imprisonment.

10. VIOLATION TAGS

- (a) A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw;
- (b) A Violation Tag may be issued to such person:
 - (i) either personally;
 - (ii) by mailing a copy to such person at his last known post office address; or
 - (iii) upon retrieval of such person's Animal from the Town's Animal Shelter;
- (c) The Violation Tag shall be in a form approved by the Town Manager and shall state:

- (i) the name of the Owner;
 - (ii) the offence;
 - (iii) the appropriate penalty for the offence as specified in Schedule “C” of this Bylaw;
 - (iv) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag to avoid possible prosecution; and
 - (v) any other information as may be required;
- (d) Where a Violation Tag is issued pursuant to Section 10 of this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the Violation Tag;
 - (e) Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Ticket.

11. VIOLATION TICKETS

- (a) In those case where a Violation Tag has been issued and the penalty specified on a Violation Tag has not been paid within the prescribed time, a Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended, or repealed and replaced from time to time;
- (b) Notwithstanding Section 11(a), where a Bylaw Enforcement Officer has reasonable grounds to believe that a provision of this Bylaw has been contravened, the Bylaw Enforcement Officer is authorized and empowered to immediately issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended, or repealed and replaced from time to time, to any person who the Bylaw Enforcement Officer has reasonable grounds to believe is responsible for the contravention.
- (c) Where a Violation Ticket has been issued to a person pursuant to this Bylaw, that person may plead guilty to the offence by submitting to a Clerk of the Provincial Court, the specified penalty set out on the Violation Ticket at any time prior to the appearance date indicated on the Violation Ticket.

12. SEVERABILITY

- (a) Should any provision of this Bylaw be determined invalid, then the invalid provision shall be severed and the remaining Bylaw shall be maintained.

13. REPEAL

- (a) Bylaws No. 128, 167 and 255 are hereby repealed.

14. EFFECTIVE DATE

- (a) This Bylaw shall come into effect upon third and final reading thereof.

Read a first time this 27 day of August, 2007.

Read a second time this 27 day of August, 2007.

Read a third time and finally passed this 17 day of September, 2007.

MAYOR

TOWN MANAGER

Schedule "A"
FEEES

DOG LICENCE FEES

Altered (spayed or neutered) Dogs and Cats

License Fee (Prior to January 31 st)	\$20.00
License Fee (After January 31 st)	\$30.00

Unaltered Dogs and Cats and all Guard Dogs

License Fee (Prior to January 31 st)	\$40.00
License Fee (After January 31 st)	\$50.00

Vicious Animal

License Fee (Prior to January 31 st)	\$150.00
License Fee (After January 31 st)	\$250.00

Replacement Dog License Tag

\$10.00

OVER-LIMIT PERMITS

All Animals	\$100.00
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POUND FEES

Impoundment Fees (per day or portion thereof)	\$30.00
Care and sustenance (per day or portion thereof)	\$15.00
Veterinary Fees (if applicable)	Amount expended

Schedule "B"
OVER-LIMIT PERMIT APPLICATION FORM

THE TOWN OF RAINBOW LAKE – OVER-LIMIT PERMIT

Permit Number: _____ **Permit Issuer:** _____
(Include title and signature)

Start Date: _____ End Date: _____

Permit Holder's name(s): _____

Property address: _____

Legal Description: Lot or Unit: _____ Block: _____ Plan: _____

The following number and breed of Dogs and or Cats have been approved for the property:

# _____ Dog(s) Current;	Breed: _____
# _____ Cat(s) Current;	Breed: _____
# _____ Dog(s) New;	Breed: _____
# _____ Cat(s) New;	Breed: _____

Conditions of Permit

The Town Manager or his designate may withdraw an Over-Limit Permit if:

- (i) the Town Manager or his designate receives bona fide complaints from two or more residents living Adjacent to the Over-Limit Permit holder's resident;
- (ii) the Town Manager or his designate determines that an Adjacent resident was not properly notified by the permit holder of the right to submit written comments in opposition to the application;
- (iii) the Over-Limit Permit Holder harbours Dogs or Cats in excess of the number permitted by the Over-Limit Permit; or
- (iv) the Over-Limit Permit Holder is guilty of an offence pursuant to any offence in Section 6 of this Bylaw.

If the Town Manager or his designate revokes an Over-Limit Permit, no refund of the Over-Limit Permit fee shall be made.

All permits issued shall be valid for a period not exceeding 12 months from the date of issue.

Note that a License Application, and applicable fee, is required for each Animal permitted under this Over-Limit Permit.

Schedule "C"
PENALTIES

SECTION	OFFENCE	FINE
Section 3(d)	Failure to license	\$35.00
	Failure to license Vicious Dog	\$300.00
Section 3(h)	Failure to wear License Tag	\$35.00
Section 4(b)	Harbouring more than 3 Dogs or Cats without a valid Over-Limit Permit	\$50.00
Section 6(a)	Owner of Animal running At Large	\$50.00
	Second Offence within one (1) year	\$150.00
	Third Offence within one (1) year	\$300.00
Section 6(b)	Owner of Animal that barks howls of otherwise makes noise as to disturb the quiet or repose of any person	\$50.00
	Second Offence within one (1) year	\$150.00
	Third Offence within one (1) year	\$300.00
Section 6(c)	Owner of Animal that bites, attacks, threatens or injures any person	\$50.00
	Second Offence within one (1) year	\$150.00
	Third Offence within one (1) year	\$300.00
Section 6(d)	Owner of Animal that chases a Motor Vehicle, bicycle, person on horseback, or person running or walking	\$50.00
	Second Offence within one (1) year	\$150.00
	Third Offence within one (1) year	\$300.00
Section 6(e)	Owner of Animal that kills, attacks, injuries or otherwise harasses livestock, poultry or other domestic Animals owned by other persons	\$50.00
	Second Offence within one (1) year	\$150.00
	Third Offence within one (1) year	\$300.00
Section 6(f)	Owner of Animal that causes Damage to Public or Private Property within the Town	\$50.00
	Second Offence within one (1) year	\$150.00
	Third Offence within one (1) year	\$300.00

Section 6(g)	Owner of an Animal fails to remove defecation from Public or Private Property within the Town	\$50.00
	Second Offence within one (1) year	\$150.00
	Third Offence within one (1) year	\$300.00
Section 6(h)	Owner of Animal allowing accumulation of defecated matter on Owner's property	\$50.00
	Second Offence within one (1) year	\$150.00
	Third Offence within one (1) year	\$300.00
Section 6(i)	Owner who permits an Animal to enter or remain in any public bathing, swimming or wading pool	\$50.00
	Second Offence within one (1) year	\$150.00
	Third Offence within one (1) year	\$300.00
Section 6(j)	Female Animal in heat not confined	\$50.00
	Second Offence within one (1) year	\$150.00
	Third Offence within one (1) year	\$300.00
Section 6(k)	Any person who unties, loosens or otherwise frees an Animal that was tied or otherwise restrained or confined	\$50.00
	Second Offence within one (1) year	\$150.00
	Third Offence within one (1) year	\$300.00
Section 6(l)	Any person who interferes with, prohibits or otherwise impedes a Bylaw Enforcement Officer	\$50.00
	Second Offence within one (1) year	\$150.00
	Third Offence within one (1) year	\$300.00
	Fourth or Subsequent Offences within one (1) year for Sections 6(a) to (l)	Not less than \$500.00/ Not more than \$2,500.00
Section 6(m)	Animal Left Unattended	\$100.00
	Second Offence within one (1) year	\$150.00
	Third Offence within one (1) year	\$300.00
Section 7(a)	Owner of Vicious Animal that is not secured by a Restraining Device under physical control off Owner's property	\$300.00
	Second Offence within one (1) year	\$400.00

Third Offence within one (1) year	\$500.00
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Section 7(a)(ii)	Owner of Vicious Animal that is not confined within a Secured Enclosure or secured by a Restraining Device under physical control while on Owner's property	\$300.00
	Second Offence within one (1) year	\$400.00
	Third Offence within one (1) year	\$500.00

Section 7(c)	Owner of Vicious Animal failing to post "Vicious Animal" sign	\$300.00
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Offences under Sections 6(a) to (l) by an Owner of Vicious Animal are double the stated fines above.

An offence for which a penalty is not otherwise provided	\$50.00
Second Offence within one (1) year	\$150.00
Third Offence within one (1) year	\$300.00
Fourth or Subsequent Offences within one (1) year for Sections 6(a) to (l)	Not less than \$500.00/ Not more than \$2,500.00