

BYLAW NO. 1580

TOWN OF WHITECOURT IN THE PROVINCE OF ALBERTA

TO AUTHORIZE THE REGULATION AND CONTROL OF DOMESTICATED ANIMALS

WHEREAS, pursuant to the Municipal Government Act, being Chapter M-26 of the Statutes of Alberta, Chapter M-26, and amendments thereto, a municipality may pass a bylaw respecting the safety, health, and welfare of people and the protection of property; and

WHEREAS, pursuant to the Municipal Government Act, being Chapter M-26 of the Statutes of Alberta, Chapter M-26, and amendments thereto, a municipality may pass a bylaw with respect to wild and domestic animals and activities in relation to them; and

WHEREAS, the Town of Whitecourt is of the view that it is necessary for the preservation and protection of public health, safety, and welfare of the residents of the Town of Whitecourt to provide for the control and keeping of Dogs and Cats and Domesticated Animals within the Town of Whitecourt.

NOW THEREFORE, Council of the Town of Whitecourt duly assembled hereby enacts as follows:

PART 1 – PURPOSE

- 1.1 This Bylaw shall be called the “Responsible Pet Ownership Bylaw”.

PART 2 – DEFINITIONS

- 2.1 “Animal” means any live creature, both domestic and wild, and includes fowl, fish and reptiles, but does not include a human.
- 2.2 “Abandoned Animal” means an animal that:
- a. is left for more than twenty-four (24) hours without adequate food, water, and shelter;
 - b. is left for five (5) days or more after the expected retrieval time from a registered veterinarian or from a person who for money consideration or its equivalent stables, boards or cares for the animal; or,
 - c. is found on premises with respect to which the tenancy agreement has been terminated.
- 2.3 “At Large” means and includes the situation where:
- a. a Dog or Cat is found on any place other than the owner’s property; and
 - b. while on such place, the Dog or Cat is not being restrained by a leash and under the effective control of the owner or someone acting on behalf of and with the authority of the owner, as required by this bylaw.
- 2.4 “Cat” means any domesticated Cat.
- 2.5 “Collar” means a device made of leather, fibre, metal, etc. capable of having Tags securely fastened to it and designed and solely intended to be worn around the neck of a Dog or Cat.
- 2.6 “Communicable Diseases” means diseases which can be passed from Animal to Animal and zoonotic diseases as per the Animal Protection Act, R.S.A 2000, cA-41, as amended.

- 2.7 “Chief Administrative Officer” (CAO) means the administrative head for the Town of Whitecourt or the person designated by the CAO to perform their duties set out in this Bylaw.
- 2.8 “Council” means the Council of the Town of Whitecourt elected pursuant to the Local Authorities Election Act, R.S.A 2000 cL-21, as amended.
- 2.9 “Dangerous Dog” means:
- a. shows a propensity, disposition or potential to attack or injure humans or other Animals without provocation;
 - b. attacks, bites, or injures any human or Animal without Provocation;
 - c. represents a continuing threat of serious harm to humans or other Animals; or
 - d. is deemed to be dangerous by a Justice under the provisions of the Dangerous Dog Act, R.S.A 2000 cD-3, as amended.
- 2.10 “Distress” means an Animal that is:
- a. deprived of adequate shelter, ventilation, space, food, water or veterinary care; or reasonable protection from injurious heat and cold;
 - b. injured, sick, in pain or suffering; or
 - c. abused or subject to undue hardship, privation or neglect.
- 2.11 “Dog” means any canine Animal over the age of six (6) months, other than a Dangerous Dog.
- 2.12 “Domestic Animal” means any Animal normally kept for domestic purposes or a house pet; including but not limited to: Dogs, Cats, rabbits, ferrets, but does not include Wildlife or Livestock.
- 2.13 “Livestock” means any Animal that has been domesticated for agricultural use and for resale or kept as pets and shall include, but not limited to: horses, cows, pigs, sheep, goats and other hoofed animals, and fowls such as chickens, pigeons, ducks and turkeys.
- 2.14 “Municipal Tag” means a tag or similar document issued by the Town pursuant to the Municipal Government Act, R.S.A 2000, cM-26, as amended, for the purposes of notifying a Person that an offence has been committed for which a prosecution may follow.
- 2.15 “Off-Leash Area” means an area designated by the Chief Administrative Officer where a Dog is permitted, and is not required to be held by a leash.
- 2.16 “Order” means a written order pursuant to the Municipal Government Act, R.S.A 2000, cM-26, as amended, to remedy a contravention of this Bylaw.
- 2.17 “Owner” means any person:
- a. named on a Tag;
 - b. in actual or apparent possession or control of the Animal, or property where an Animal resides; or,
 - c. that is Under the Control of an Animal.
- 2.18 “Peace Officer” means a member of the Royal Canadian Mounted Police (RCMP), a Peace Officer appointed under the Peace Officer Act, S.A 2006, cP-3.5, as amended, a bylaw enforcement officer appointed under the Municipal Government Act R.S.A 2000, cM-26, as amended, or any other person who is, in the execution of their duties, responsible for the preservation and maintenance of the public peace.
- 2.19 “Prohibited Animal” means any of the following:
- a. livestock;
 - b. bees;
 - c. poisonous snakes, poisonous reptiles, poisonous insects; or,

- d. pigeons and poultry.
- 2.20 “Service Dog” means a Dog individually trained by a recognized agency to do work or perform tasks for people with disabilities. An identification card or other document issued by a recognized agency is required to confirm the status of being a Service Dog.
- 2.21 “Shelter” means the Town pound established for the impounding of Domestic Animals as set out in this Bylaw and the Animal Protection Act, R.S.A 2000, c A-41, as amended.
- 2.22 “Tag” means a disc or other shape of metal or plastic, which is securely affixed to the Dogs or Cat’s Collar or other restraining device; and which contains at a minimum: an operation phone number of the Owner or a phone number at which the Owner can be contacted.
- 2.23 “Town” means the municipal corporation of the Town of Whitecourt in the Province of Alberta, or where the context so requires, the area contained within the boundaries of the Town of Whitecourt.
- 2.24 “Under the Control” means that the Domestic Animal is under the effective control of the Person; including responding to voice, sound, or sight commands.
- 2.25 “Violation Notice” means a notification detailing an offence or contravention of the Act or this bylaw and may be in the form of a Municipal Ticket or Violation Ticket.
- 2.26 “Violation Ticket” means a ticket issued pursuant to Part II or Part III of the Provincial Offences Procedure Act, R.S.A 2000, cP-34, as amended.

PART 3 – DOG AND CAT IDENTIFICATION PROVISIONS

- 3.1 All owners must ensure that Dogs or Cats over the age of six (6) months which they own have a Tag containing a legible and operational phone number of the Owner or where the Owner can be contacted. The Tag shall be securely attached to a Collar, choke chain or harness which must be properly worn at all times by the Dog or Cat when the Dog or Cat is off the property of the Owner.
- 3.2 The Dog or Cat shall not be considered to be properly identified if the Dog or Cat is not wearing a Collar with a Tag when the Dog or Cat is off of the property of the Owner and the Owner shall be subject to a fine for failing to properly identify the Dog or Cat as per Schedule A – Fines.

PART 4 – REGULATION OF DOGS AND CATS

- 4.1 No person shall keep or have more than two (2) Dogs and (2) Cats on any premises within the Town. This section does not apply:
 - a. in the case of Dogs and Cats under the age of six (6) months;
 - b. if the person has a valid Development Permit to operate a small Animal breeding/boarding establishment or the general business of a pet store pursuant to other applicable Town Bylaws; or,
 - c. to any veterinary clinic or hospital.
- 4.2 In accordance with Section 4.1, no person shall keep or have more than one (1) Dangerous Dog on any premises within the Town.
- 4.3 The Owner or any other person having care and control of a Dog or Cat shall not permit the Animal to be At-Large.
- 4.4 Notwithstanding Section 4.3, this section shall not apply when the Animal is within a designated Off-Leash Area.

- 4.5 A person who takes control of a Dog or Cat that is At Large shall notify the Town, provide any required information and surrender the Animal to a Peace Officer or Shelter, if directed to do so.
- 4.6 No person shall allow a Dog to enter or remain in or on any:
- a. swimming, bathing or pond areas within the Town;
 - b. Festival Park unless on designated walking trails;
 - c. spray park and riverslide areas;
 - d. playground structures or apparatus areas;
 - e. Graham Acres; or,
 - f. school grounds, parks and open spaces excluding Festival Park and Graham Acres, unless it is on a leash not exceeding three (3) metres.
- 4.7 The Owner of a Dog, Dangerous Dog, or Cat shall not permit the Animal to damage public or private property.
- 4.8 The Owner of a Dog or Dangerous Dog shall not permit the Animal to:
- a. threaten or bite a person;
 - b. chase a motor vehicle;
 - c. chase a person; or,
 - d. harass, attack, injure or kill another Animal belonging to a person.
- 4.9 Section 4.8 shall not apply if a Dog threatens, chases, attacks or bites:
- a. a person who is physically abusing or provoking the Animal.
- 4.10 A person shall not provoke or abuse a Dog in any manner that could reasonably expect the Animal to:
- a. damage property;
 - b. chase, attack or bite any person or Animal, which could cause physical injury; or
 - c. bark or howl.
- 4.11 The Owner of a Dog or Cat shall remove any defecation left by the Animal on public and private property, other than the Owner's property.
- 4.12 The Owner of a Dog or Cat shall ensure that defecation left by the Animal on the Owner's property does not accumulate to an extent that is reasonably likely to cause odour, agitate or pose a health risk to others.
- 4.13 A resident of the Town may make an application to Municipal Enforcement Services to rent a live cat trap to catch any Cats located on their property.
- a. The resident is required to complete the required application form and pay applicable rental fees as per the Fees, Rates and Charges Bylaw.
 - b. Cat traps will only be available to residents from April 1 to September 30 of each calendar year.
 - c. Upon catching a Cat, the resident shall contact the Town, provide any required information and surrender the Animal to a Peace Officer or Shelter, if directed to do so.
- 4.14 No person shall allow or permit an Animal to be in Distress.
- 4.15 A person or Owner shall:
- a. ensure that the Animal has adequate food and water;
 - b. provide the Animal with adequate care when the Animal is wounded or ill;
 - c. provide the Animal with reasonable protection from injurious heat or cold; and,
 - c. provide the Animal with adequate shelter, ventilation, and space.
- 4.16 A person or Owner shall not:

- a. negligently or willfully abandon an Animal at an Animal Shelter or pound regardless if it was originally impounded;
- b. negligently or willfully abandon an Animal; or,
- c. tease, torment, agitate, abuse, harass or injure any Animal.

PART 5 – NOISE

- 5.1 The Owner of a Dog or Dangerous Dog shall not permit the Animal to bark or howl excessively.
- 5.2 In determining whether the barking or howling is reasonably likely to disturb the peace of others, consideration may be given, but not necessarily limited, to the:
 - a. proximity of the complainant(s) to the property where the Animal is located;
 - b. duration of the barking or howling;
 - c. time of day and day of the week;
 - d. nature and use of the surrounding area; and,
 - e. effect of the barking or howling on the complainant(s).

PART 6 – DANGEROUS DOGS

- 6.1 When off the premises of the Owner, the Owner shall ensure a Dangerous Dog is at all times:
 - a. muzzled;
 - b. held on a leash not exceeding two (2) metres in length; and
 - c. Under the effective control of the owner or someone over the age of 18 years.
- 6.2 When on the premises of the Owner:
 - a. the Dangerous Dog shall be under the effective control of someone over the age of 18 years, when indoors;
 - b. have signs posted alerting the public that a Dangerous Dog is located on the premises;
 - c. the Dangerous Dog shall be secured in a fully-enclosed holding pen when outdoors; and
 - d. the Dangerous Dog shall be muzzled and secured within the premises' boundary, when outdoors.
- 6.3 Whether through observation or investigation, a Peace Officer determines a Dog to be a Dangerous Dog, they shall in writing:
 - a. inform the Owner that the dog has been determined to be a Dangerous Dog;
 - b. inform the Owner of the requirements for keeping a Dangerous Dog, in accordance with the provisions of this Bylaw; and,
 - c. inform the Owner that should there be any contravention in the conditions of keeping a Dangerous Dog, the Owner will be subject to fines or other enforcement under this Bylaw of the Dangerous Dogs Act.
- 6.4 In addition to the remedies set forth in this Bylaw, if a Peace Officer determines that a Dangerous Dog is in contravention of this Bylaw, they may make a complaint pursuant to the Dangerous Dogs Act for an Order or direction that the Animal be controlled or destroyed.
- 6.5 Notwithstanding Section 6.4, if a Peace Officer determines that a Dangerous Dog is in contravention of this Bylaw, they may make a complaint pursuant to Section 7 of the Municipal Government Act, R.S.A 2000, cM-26, as amended for an order direction that such Dog be removed from the town.

PART 7 – PROHIBITED ANIMALS

- 7.1 No person shall keep or have prohibited Animals on any premises within the Town unless written permission have been granted by the Chief Administrative Officer.

PART 8 – SEIZURE AND IMPOUNDING

- 8.1 A Peace Officer is authorized to seize and impound any Animal found contrary to any provision in this Bylaw or other relevant enactment.
- 8.2 The Town shall keep all Animals seized and impounded pursuant to this Bylaw for a period of at least seventy-two (72) hours, excluding statutory holidays.
- 8.3 Any Animal seized and impounded pursuant to the Animal Protection Act or Dangerous Dogs Act shall be addressed in a manner consistent with the provisions of the Act.
- 8.4 Any Animal seized or impounded pursuant to this Bylaw may be returned to the Owner or designate upon payment of outstanding fees associated with shelter, care and treatment.
- 8.5 An Animal seized may not be impounded for more than twenty-one (21) days, unless an Order or court proceeding for the Animal's destruction has commenced within that time.

PART 9 – OTHER REGULATIONS

- 9.1 A person shall not refuse to allow a Service Dog in the company of a person requiring its assistance to enter any building or property that is accessible to the public.
- 9.2 A person shall not:
- a. interfere with or attempt to obstruct a Peace Officer who is attempting to seize or has seized an Animal that is subject to impoundment, pursuant to this Bylaw;
 - b. open the vehicle or enclosure in which an animal is being held; pursuant to seizure or impoundment;
 - c. remove, or attempt to remove, any animal from the possession of a Peace Officer; or,
 - d. untie, loosen or otherwise free an animal that has been tied or otherwise held by a Peace Officer.
- 9.3 A person shall not provide false or misleading information to any Peace Officer of the Town.

PART 10 – ENFORCEMENT

- 10.1 Each Peace Officer is hereby authorized to enforce this Bylaw to the extent of their authority.
- 10.2 Orders to remedy contraventions:
- a. If a Peace Officer finds that a person is contravening this Bylaw, the Peace Officer may write an Order in accordance with the Municipal Government Act, R.S.A 2000, cM-26, require any person responsible for the contravention to remedy it.
 - b. The Order may:
 - i. direct a person to stop doing something, or to change the way in which they are doing it;
 - ii. direct a person to take any action necessary to remedy the contravention of this bylaw to prevent reoccurrence of the contravention;
 - iii. state a specified time to comply; and,

- iv. state that if the person does not comply within a specified time, the Town shall take necessary action, at the expense of the person.
 - c. The expenses and costs resulting from action taken by the Town under this Section, are due and payable by the person in contravention of this Bylaw.
 - d. The Town may, in accordance with the Municipal Government Act, R.S.A 2000, cM-26, add outstanding amounts for unpaid expenses and costs referred to in Section 12.1c to a Property Tax Roll, if the contravention of the Bylaw occurred on all or part off the Owner's property.
- 10.3 Review by Council:
 - a. A person who receives a written notice or Order under this Bylaw, may submit a request for Council to review the notice or Order within fourteen (14) days after the date it was received, providing the request is submitted in writing.
 - b. A person shall pay the required fee as per the Fees, Rates and Charges Bylaw prior to the review by Council.
 - c. After review, Council may confirm, vary, substitute or cancel the notice or Order.
- 10.4 Offence:
 - a. A person who contravenes any provision of this Bylaw is guilty of an offence.
 - b. A person shall not interfere with a Peace Officer in the exercise of their powers and duties under this Bylaw.
- 10.5 Vicarious Liability:
 - a. For the purpose of this Bylaw, an act or omission by the Owner or another person acting on their behalf is deemed to be an act or omission of the Owner. If the act or omission accused in the course of exercising the powers or performing any duties on behalf of the Owner.
- 10.6 Corporations and Partnerships:
 - a. When a corporation commits an offence under this Bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission, or agreed to participate in the act or omission that constitutes the offence, is guilty of the offence.
 - b. If a partner in partnership is guilty of an offence under this Bylaw, each partner in that partnership who authorized the act, or agreed to participate in the act or omission that constitutes the offence, is guilty of the offence.
- 10.7 A person who is guilty of an offence is liable for a fine pursuant to Schedule A – Fines, not to exceed ten thousand dollars (10,000.00) or for the imprisonment of not more than six (6) months for non-payment of a fine, as per the Municipal Government Act, R.S.A 2000, cM-26.
- 10.8 A Peace Officer is hereby authorized and empowered to issue a Violation Notice to any Person who is believed on reasonable and probably grounds to have contravened any provisions of this Bylaw.
- 10.9 A Municipal Tag shall be deemed to have been sufficiently served if:
 - a. served personally upon the accused;
 - b. mailed to the last known address of the person; or
 - c. by leaving it at the last known address of such person.
- 10.10 A Municipal Tag shall be in a form approved by the Town, and shall state:
 - a. the name of the person;
 - b. the offence;
 - c. the appropriate penalty for the offence as specified in this Bylaw;
 - d. the due date at which time the penalty is required to be paid; and,
 - e. any other information as may be required by the Town.
- 10.11 Where a Municipal Tag has been issued to a Person pursuant to this Bylaw, the person to whom the Tag has been issued to may in lieu of prosecution of the offence, pay the

Town the specified penalty set out on the Municipal Tag by the due date listed on the Municipal Tag.

- 10.12 In the case where a Municipal Tag has been issued and the penalty specified on the Municipal Tag has not been paid within the prescribed time, a Peace Officer is authorized and empowered to issue a Violation Ticket pursuant to Part II or Part III of the Provincial Offences Procedures Act, R.S.A 2000, cP-34 as amended.
- 10.13 Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket pursuant to either Part II or Part III of the Provincial Offences Procedures Act, R.S.A 2000, cP-34 as amended.
- 10.14 If a Person has been prosecuted for the offence specified in the Violation Ticket and has been convicted of such, then the fine imposed shall not be less than the original amount indicated on the Violation Ticket.

PART 11 – AUTHORITY OF THE CHIEF ADMINISTRATIVE OFFICER

- 11.1 The Chief Administrative Officer is hereby delegated the authority to:
 - a. carry out inspections to determine compliance with this Bylaw;
 - b. take steps or carry out actions required to enforce this Bylaw;
 - c. take necessary steps or carry out actions as required to remedy a contravention of this Bylaw;
 - d. establish an Animal Shelter for seized and impounded animals, to make rules and regulations for an Animal Shelter, and to regulate the conduct and form of an Animal Shelter pursuant to this Bylaw;
 - e. establish Off-Leash area(s);
 - f. issue and establish terms and conditions to be met for a Permit under any section of this Bylaw that required a Permit; and,
 - g. delegate any powers, duties or functions under this bylaw to an employee of the Town.

PART 12 – OFFENCES AND PENALTIES

- 12.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable upon summary conviction, to a specified penalty for that offence as set out in Schedule A – Fines to this Bylaw.
- 12.2 Notwithstanding Schedule A – Fines of this Bylaw, any Person who commits a second and subsequent offence under this Bylaw, within one (1) year of committing a first offence under this Bylaw, is liable on summary conviction to double the fine set out in Schedule A – Fines to this Bylaw, for that offence.
- 12.3 A Person who is guilty of an offence is liable to a fine in an amount not less than established in Schedule A – Fines, and not exceeding ten thousand dollars (\$10,000.00) or to an order of imprisonment for not more than six (6) months, or both.

PART 13 - SEVERABILITY

- 13.1 Every provision of this Bylaw is independent of all other provisions and if any provision is declared invalid by a Court, then the invalid provisions shall be severed and the remainder provisions shall remain valid and enforceable.

PART 15 - EFFECTIVE DATE

- 14.1 This Bylaw shall come into force and take effect when it receives third reading and is duly signed.

PART 15 - REPEAL OF BYLAWS

- 15.1 Bylaws 746, 793, 986, 1414, 1436 and any amendments, are hereby rescinded in their entirety upon final passing of this Bylaw.
- 15.2 Any action or proceeding taken or any charge or offence ticket issued under any of the preceding Bylaws shall be continued to completion, and notwithstanding the final passage of this Bylaw, the preceding Bylaws shall apply to any such action, proceeding charge or offence ticket.

READ a first time this 15 day of October, 2024.

READ a second time this 15 day of October, 2024.

READ a third and final time this 15 day of October, 2024.

Redacted under Section 15 of
the FOIP Act.

Mayor

Redacted under Section 15 of
the FOIP Act.

Chief Administrative Officer

Signed by the Mayor and CAO this 16 day of October, 2024.

**Bylaw 1580 Responsible Pet Ownership Bylaw
SCHEDULE A – FINES**

OFFENCE	SECTION	SPECIFIED PENALTY
Identification Provisions		
Failure to display a Dog or Cat Tag on Collar	3.1	\$150.00
Regulation of Dogs and Cats		
Harbouring more than 2 Dogs or 2 Cats on Premises	4.1	\$150.00
Harbouring more than one Dangerous Dog on Premises	4.1	\$250.00
Dog or Cat At Large	4.3	\$150.00
Dangerous Dog At Large	4.3	\$500.00
Failure to Deliver Animal to a Peace Officer/Shelter	4.5	\$150.00
Dog in Prohibited Area	4.6	\$150.00
Animal Cause Damage to Private or Public Property	4.7	\$150.00
Dog, Dangerous Dog threatens or bites a Person	4.8(a)	\$500.00
Dog chases a motor vehicle	4.8(b)	\$150.00
Dog chases a Person	4.8(c)	\$250.00
Dog, Dangerous Dog harasses, attacks, injures or kills another Animal	4.8(d)	\$500.00
Provoking a Dog	4.10	\$250.00
Failure to remove defecation from a private or public property, other than the property of the Owner	4.11	\$150.00
Accumulation of defecation on the property of the Owner	4.12	\$150.00
Animal in Distress	4.14	\$500.00
Failure to provide care or treatment	4.15	\$500.00
Abandon an Animal	4.16(a),(b)	\$500.00
Abuse, harass or injure an Animal	4.16(c)	\$500.00
Noise		
Permit a Dog, Dangerous Dog to bark or howl excessively	5.1	\$150.00
Dangerous Dogs		
Failure to follow conditions for a Dangerous Dog	6.1	\$500.00

OFFENCE	SECTION	SPECIFIED PENALTY
Failure to follow conditions for a Dangerous Dog while on Premises	6.2	\$500.00
Prohibited Animals		
Harbouring Prohibited Animal	7.1	\$250.00
Other Regulations		
Refuse to allow a Service Dog in the company of a person requiring its assistance to enter any building or property that is accessible to the public.	9.1	\$250.00
Interfere or obstruct a Peace Officer	9.2	\$1,000.00
Provide false or misleading information to a Peace Officer or the Town	9.3	\$500.00
Fail to comply with an Order	10.2	\$500.00