

**BYLAW NO. 05-15
OF THE TOWN OF STRATHMORE
IN THE PROVINCE OF ALBERTA**

**BEING A BYLAW OF THE TOWN OF STRATHMORE IN THE PROVINCE
OF ALBERTA, FOR THE PURPOSE OF REGULATING AND
CONTROLLING ANIMALS.**

WHEREAS, Sections 7 and 8 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, as amended or repealed and replaced from time to time, authorizes the Town of Strathmore Council to pass bylaws to license and regulate wild and domestic animals and activities in relation to them;

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

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

SECTION 1: TITLE

1.1 This Bylaw may be cited as the "Animal Control Bylaw".

SECTION 2: DEFINITIONS

2.1 For the purpose of interpreting this Bylaw, the following terms have the following defined meanings:

- (a) "Abused Animal" means any animal which is:
 - i) mistreated, beaten, tormented or teased
 - ii) deprived of water, food or shelter,
 - iii) left unattended in a Motor Vehicle without adequate ventilation or temperature control,
 - iv) abandoned, or
 - v) trained for fighting other Animals.
- (b) "Animal" means any animal kept by Persons for domestic purposes or as a household pet including but not limited to dogs, rabbits, ferrets, fowl, cows, horses, sheep, goats, and pigs, but does not include a human, fish or wildlife.



- (c) "Animal Shelter" means the facility or facilities designated by the Town from time to time as a facility for the impoundment and care of Animals subject to this Bylaw.
- (d) "At Large" means an Animal which is off the premises of the Animal's Owner and which is not restrained by a Restraining Device and under immediate, effective and continuous control of a competent and responsible Person.
- (e) "Bylaw Enforcement Officer" means a Bylaw Enforcement Officer appointed by Council to enforce the provisions of this Bylaw and includes a member of the Royal Canadian Mounted Police and, when authorized, a Special Constable or Animal Control Officer for the Town of Strathmore.
- (f) "Communicable Disease" means any disease or illness which may be transferred from an Animal to another Animal or Person through direct or indirect contact.
- (g) "Controlled Confinement" means when a Animal is confined in a pen, cage, building or other structure or securely tethered in a manner that will not allow the Animal to physically harm any Person or Animal.
- (h) "Council" means the Council of the Town of Strathmore.
- (i) "Damage to Public or Private Property" means any destruction, injury or harm caused to private property, Public Property or other public space by an Animal.
- (j) "Dog" means a member of any domesticated canine species, including male, female, spayed, neutered and intact members.
- (k) "Dog License" means the dog license issued under this Bylaw.
- (l) "Motor Vehicle" means a motor vehicle as defined in the *Traffic Safety Act*, R.S.A. 2000, Chapter T-6, as amended or repealed and replaced from time to time.
- (m) "Owner" means any Person:
 - (i) who has the care, charge, custody, Possession or control of an Animal;
 - (ii) who owns or claims a proprietary interest in the Animal;

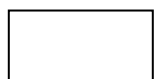


- (iii) who harbours, suffers, or permits an Animal to be present on any property owned or under his/her control, or
- (iv) who claims and receives an Animal from the custody of the Animal Shelter or a Bylaw Enforcement Officer.
- (n) "Person" means any individual or corporate body.
- (o) "Police Dog" means a Dog who is owned by the Royal Canadian Mounted Police for the purpose of aiding in law enforcement and who is trained or in training for that purpose.
- (p) "Possession" means a Person who:
 - (i) has physical or effective control of an Animal; or
 - (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;
- (q) "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;
- (r) "Public Nuisance" includes the following activities:
 - i) biting a Person or Animal,
 - ii) chasing any Person, Animal, Motor Vehicle or bicycle,
 - iii) barking, howling or otherwise disturbing any Person,
 - iv) causing damage to property,
 - v) upsetting waste receptacles or scattering the contents thereof, and
 - vi) being left unattended in a Motor Vehicle unless the Animal is restricted in such a way so as to prevent the Animal having access to Persons or other Animals located outside the Motor Vehicle. Such restraint must, at all times, provide suitable ventilation for the Animal.
- (s) "Public Property" means any property within the Town owned by or under the direction, control or management of the Town, including but not limited to public parks, sports fields,



playgrounds, campgrounds, cemeteries, natural areas, pathways and trails.

- (t) "Registered Veterinarian" means a registered Veterinarian as defined in the *Veterinary Profession Act*, R.S.A. 2000, Chapter V-2.
- (u) "Restraining Device" means any leash or other restraining system capable of allowing the Owner to maintain adequate control of the attached Animal and preventing the Animal from chasing or biting other Animals or Persons, or if located on the property of the Owner, capable of retaining the animal within the boundaries of the Owner's property.
- (v) "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, and which, conforms with the following minimum requirements:
 - (i) The Secure Enclosure shall have secure sides and a secure top. If the Secure Enclosure has no bottom secured to the sides, the sides of the Secure Enclosure must be embedded in the ground to a minimum depth of thirty (30) centimeters;
 - (ii) The Secure Enclosure must provide the Animal with adequate shelter from the elements including heat, cold, sun, rain, and wind;
 - (iii) The Secure Enclosure must be located not less than 1.0 meter away from the property line and not less than 5 meters away from a dwelling unit of any adjacent property; and
 - (iv) In the case of a Dog, the Secure Enclosure must be not less than 1.5 meters wide by 3.0 meters long and a minimum of 1.5 meters in height.
- (w) "Serious Wound" means an injury resulting from an Animal which causes a breaking of the skin or the flesh to be torn;
- (x) "Service Dog" means a specially trained and certified Dog kept by any disabled Person for the purpose of compensating for or ameliorating the effects of that Person's disability,
- (y) "Town" means the Town of Strathmore;



- (z) "Trespasser" means a Person who intentionally, without consent, privilege right, lawful authority, or express or implied invitation, permission or license, and not in performance of any duties, but merely for his own purpose, pleasure or convenience, enters another's property. For greater clarity, a Trespasser shall not include municipal employees acting in the course of their employment, census takers or employees of a utility servicing the property who are acting in the course of their employment.
- (aa) "Vicious Dog" means:
 - (i) any Dog which has, without provocation, chased, attacked, or bitten an Animal or Person;
 - (ii) any Dog which has, without provocation, inflicted a Serious Wound upon an Animal or Person, but shall not include a Dog that has inflicted a Serious Wound upon a Trespasser on the property of the Dog's Owner or any property controlled by the Dog's Owner; or
 - (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, Chapter D-3, as amended or repealed and replaced from time to time;
- (bb) "Vicious Dog License" means a license issued with respect to a Vicious Dog under this Bylaw.
- (cc) "Violation Tag" means a tag or similar document issued pursuant to the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, as amended or repealed and replaced from time to time, and any Regulations thereunder.
- (dd) "Violation Ticket" means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act*, R.S.A. 2000, Chapter P-34, as amended, or repealed and replaced from time to time, and any Regulations thereunder.

SECTION 3: OFFENCES

- 3.1 Any Person who violates any provision of this Bylaw is guilty of an offence.
- 3.2 No Person shall tease, torment or annoy an Animal.



3.3 No Person, being the Owner or a Person in charge of an Animal, shall permit the Animal to be an Abused Animal.

3.4 No Person shall:

- (a) Untie an Animal which has been tied or restrained, or
- (b) Open a gate, door or other opening in a fence or enclosure in which an Animal is confined,

thereby permitting an Animal to be At Large.

3.5 An Owner is guilty of an offence under this Bylaw if his/her Animal:

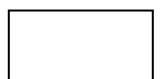
- (a) is At Large;
- (b) barks, howls or otherwise makes such noise as to disturb the quiet or repose of any Person;
- (c) bites, attacks or threatens any Person or Animal;
- (d) chases a Motor Vehicle, bicycle or Person;
- (e) chases, kills, attacks, injures, or otherwise harasses other Animals;
- (f) causes Damage to Public or Private Property within the Town; or
- (g) otherwise constitutes a Public Nuisance.

3.6 Where an Animal has defecated on any private property, Public Property or other place 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 constitutes an offence under this Bylaw.

3.7 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.

3.8 An Owner of an Animal which is suffering from a communicable disease:

- (a) shall not permit the Animal to be in or on any Public Property or in or on any other public place,
- (b) shall not permit the Animal to have contact with or be in proximity to any other Animal which is free of such communicable disease,



- (c) shall keep the Animal in a Secure Enclosure or shall otherwise confine and isolate the Animal so as to prevent the further spread of such communicable disease,
 - (d) shall immediately report the matter to a Registered Veterinarian, and
 - (e) shall adhere to the directions of the Registered Veterinarian.
- 3.9 No Person shall keep, own, harbour, suffer or permit Animals of the poultry, fowl, bovine, equine, porcine or ruminant species or variety within the limits of the Town unless
- (a) the Person brings such animals into Town on a temporary basis (less than six days) for use in events that are authorized by the Town and the Person exercises at all times effective and physical control over such animals and complies with any other requirements or restrictions as may be imposed by the Town in its discretion, or
 - (b) the Person is in compliance with Land Use Bylaw of the Town.
- 3.10 No Person shall keep, own, harbour, suffer or permit rats within the limits of the Town except in accordance with the *Agricultural Pests Act* R.S.A. 2000, Chapter A-8, including the regulations thereunder, as may be amended or repealed and replaced from time to time.
- 3.11 No Person shall keep, own, possess or harbour any wild animal within the limits of the Town except in accordance with the *Wildlife Act* R.S.A. 2000, Chapter W-10, including the regulations thereunder, as may be amended or repealed and replaced from time to time.
- 3.12 No Person shall keep, own, harbour, suffer or permit
- (a) more than three (3) Dogs over the age of 6 months, or (amended January 5, 2011 Bylaw #10-33)
 - (b) more than four (4) rabbits,
- to be or remain upon or in any land, house, shelter, room, place building, structure or premises within the Town, unless that Person has complied with the Land Use Bylaw of the Town, as may be amended or repealed and replaced from time to time, including but not limited to those provisions of the Land Use Bylaw governing small animal breeding and boarding establishments and/or veterinary services. If, immediately



before and at the time of the coming into force of this Bylaw, any Person is not in compliance with this Paragraph 3.12, such Person shall have six months from the date of coming into force hereof to comply with this Paragraph 3.12.

SECTION 4: VICIOUS DOGS

- 4.1 No Person shall own nor have the physical care, possession or control of a Vicious Dog unless that Person is not less than 18 years of age and is physically and mentally capable of maintaining control of the Dog.
- 4.2 An Owner of a Vicious Dog shall:
- (a) Notify the Town that he/she owns a Vicious Dog,
 - (b) Ensure that the Dog remains, at all times while on the property of the Owner, confined to a Secure Enclosure,
 - (c) Ensure that at any time that the Dog is not on the property of the Owner, the Dog is secured to a Restraining Device, including a leash which does not exceed 1.0 meter in length, under the physical control of the Owner or person in possession of the Dog with the Owner's consent,
 - (d) Ensure that any time that the Dog is not on the property of the Owner, that the Dog is wearing a properly fitted muzzle that permits adequate ventilation for the Dog while remaining securely fastened on the Dog,
 - (e) Ensure that at no time while the Dog is in a Motor Vehicle, the Dog has access to Persons or Animals which are outside the Motor Vehicle, while ensuring that, at all times, the Dog has adequate ventilation and temperature control within the Motor Vehicle,
 - (f) Ensure that at no time is the Dog transported unsecured in a Motor Vehicle or transported outside of the cab of a Motor Vehicle unless the Dog is being transported in accordance with Paragraph 6.2(a)(b) or (c) of this Bylaw,
 - (g) Provide to the Town proof that a policy of liability insurance is in force and provides third party liability coverage in a form satisfactory to the Town and in a minimum coverage amount of \$500,000.00 for any injuries which may be caused by the Dog,



- (h) Ensures that the insurance policy contains a provision requiring the insurer to immediately notify the Town in writing in the event that the policy expires, is cancelled or is terminated, and
 - (i) Prominently displays at the front and rear entrances to the Owner's property a sign stating "Beware of Dog".
- 4.3 If an Owner has any reason to believe that his/her Dog may be a Vicious Dog, he/she shall keep the Dog in accordance with the provisions of this Section unless and until the Town's Bylaw Enforcement Officer has determined that the Dog is not a Vicious Dog and has so advised the Owner in writing.
- 4.4 If the Town's Bylaw Enforcement Officer has reasonable grounds to believe that a Dog is a Vicious Dog, either through personal observation or after an investigation initiated by a complaint about the Dog, the Bylaw Enforcement Officer may, in writing:
 - (a) Notify the Owner that the Dog is deemed to be a Vicious Dog, and
 - (b) Require the Owner to comply with all provisions of this Bylaw with respect to Vicious Dogs immediately.
- 4.5 A Notice under Paragraph 4.4 shall include a summary of the applicable Bylaw provisions governing Vicious Animals.
- 4.6 Notice given under Paragraph 4.4 will be deemed served upon actual personal service of the Notice upon the Owner or after five (5) days from mailing via regular mail to the Owner's address as it appears on the Town's tax roll.
- 4.7 A Person who has been served with a Notice in accordance with Paragraph 4.4 may appeal the Notice to the Town Council by filing a written notice of appeal with the Chief Administrative Officer within seven (7) days of being served with the Notice under Paragraph 4.4. The appeal will be heard by Town Council within 30 days of receiving the notice of appeal.
- 4.8 Until such time as Town Council hears and upholds the appeal, the Dog must be treated in accordance with Vicious Dog provisions under this Bylaw.
- 4.9 Within three (3) days of a Dog being declared a Vicious Dog under this Bylaw, the Owner of the Vicious Dog shall have a Registered Veterinarian tattoo or implant an electronic identification microchip in the Dog. The



Owner of the Vicious Dog shall provide a copy of this information to the Town prior to the Vicious Dog License being issued under this Bylaw.

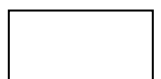
- 4.10 If a Dog is declared to be a Vicious Dog, the Owner of the Vicious Dog shall apply for a Vicious Dog License under this Bylaw within seven (7) days of the Dog being declared a Vicious Dog.
- 4.11 Where the Owner of a Vicious Dog is guilty of an offence under this Bylaw, the minimum penalties for Vicious Dogs set out in Schedule "A" shall apply.
- 4.12 Nothing contained within this Bylaw shall prevent the Town from making application to the Court for an Order to destroy a Dog in accordance with the *Dangerous Dogs Act*, R.S.A. 2000, Chapter D-3 or taking such other steps with respect to the seizure, impoundment, control or destruction of a Dog as may be available to the Town at law.
- 4.13 The Owner of a Vicious Dog shall immediately advise the Bylaw Enforcement Officer if the Vicious Dog is sold, gifted, transferred or dies.

SECTION 5: DOG LICENSING

- 5.1 Except as otherwise provided in this Bylaw, no Person shall own, keep, suffer or harbour any Dog within the Town limits unless that Dog is the subject of a valid Dog License or Vicious Dog License, as the case may be, issued in accordance with this Bylaw.
 - (a) An Owner of a Dog shall apply annually on or before the first business day after New Years Day for a Dog License for each Dog over the age of 6 months which he/she owns.
 - (b) If, after the first business day after New Years Day, a Person becomes an Owner of a Dog over the age of 6 months, that Person shall apply for a Dog License within one (1) business day of becoming an Owner of the Dog.
 - (c) If, after the first business day after New Years Day, an Owner of a Dog over the age of 6 months becomes a resident of the Town, that Owner shall apply for a Dog License within one (1) business day of becoming a resident in the Town
 - (d) An Owner of a Vicious Dog shall apply annually on or before the first business day after New Years Day for a Vicious Dog License for each Vicious Dog which he/she owns.



- (e) If, after the first business day after New Years Day, a Person becomes an Owner of a Vicious Dog, that Person shall apply for a Vicious Dog License within one (1) business day of becoming an Owner of the Vicious Dog.
 - (f) If, after the first business day after New Years Day, an Owner of a Vicious Dog becomes a resident of the Town, that Owner shall apply for a Vicious Dog License within one (1) business day of becoming a resident in the Town
- 5.2 Every application for a Dog License or Vicious Dog License shall be accompanied by the applicable license fee as set out in Schedule "B" of this Bylaw.
- 5.3 Every Owner, when requested by a Bylaw Enforcement Officer, shall submit to the Town a spay/neuter certificate or if such a certificate is unavailable, a statutory declaration or other acceptable documentation, establishing the Dog's age or that the Dog is neutered or spayed and such other information as the Bylaw Enforcement Officer may require in order to determine the license fee payable.
- 5.4 Where a Dog under the age of 6 months is found At Large, the Bylaw Enforcement Officer may, in addition to any fines or penalties that may be applicable, require the Owner of the Dog to purchase a Dog License or Vicious Dog License for the Dog, as the case may be.
- 5.5 The Owner shall ensure that any Dog owned by him/her is wearing the License issued by the Town, which License is to be securely fastened on the Dog's collar any time the Dog is off the Owner's property.
- 5.6 If a Dog License or Vicious Dog License is lost, the Owner of the Dog shall, apply for a replacement license within one (1) business day and upon the Owner presenting proof of payment for the current year's license to the Town, a new license shall be issued to the Owner for the fee set out in Schedule "B" of this Bylaw.
- 5.7 No Owner shall transfer or allow to be transferred a Dog License or Vicious Dog License from the Dog for which the license was assigned or purchased to any other Dog.
- 5.8 No Person shall be entitled to a rebate or refund of a fee paid for the issuance of a Dog License or Vicious Dog License under this Bylaw.
- 5.9 No Person shall give false information when applying for a Dog License or a Vicious Dog License.



- 5.10 Service Dogs and Police Dogs, which are in active service, are exempt from the operation of this Section.

SECTION 6: ANIMALS IN TRUCKS AND MOTOR VEHICLES

- 6.1 No Person shall allow an Animal to be outside the passenger cab of a Motor Vehicle on a roadway, regardless of whether the Motor Vehicle is moving or parked.
- 6.2 Notwithstanding Paragraph 6.1, a Person may allow an Animal to be outside the passenger cab of a Motor Vehicle, including riding in the back of a pick-up truck or a flat bed truck, if the Animal is:
- (a) in a fully enclosed trailer,
 - (b) in a topper enclosing the bed area of the truck,
 - (c) contained in a ventilated kennel or similar device securely fastened to the bed of the truck; or
- 6.3 For the purpose of this Section, “roadway” means any street, highway or parking lot area whether publicly or privately owned, where the public is ordinarily entitled or permitted to use for the passage or parking of Motor Vehicles.
- 6.4 The owner of a Motor Vehicle involved in an offence under this Section is guilty of the offence unless:
- (a) the owner of the Motor Vehicle was not operating the Motor Vehicle at the time of the offence,
 - (b) the owner of the Motor Vehicle was not a passenger in the Motor Vehicle at the time of the offence, or
 - (c) the individual operating the Motor Vehicle at the time of the offence was operating the Motor Vehicle without the owner’s express or complied consent.

SECTION 7: POWERS OF A BYLAW ENFORCEMENT OFFICER

- 7.1 A Bylaw Enforcement Officer is authorized to:
- (a) capture and impound in an authorized Animal Shelter any Animal in respect of which the Bylaw Enforcement Officer reasonably believes an offence under this Bylaw is being or has been committed;



- (b) enter onto any land in pursuit of any Animal which has been observed At Large in order to capture such Animal;
- (c) take any reasonable measure necessary to subdue any Animal, including the use of tranquilizer equipment.

If an Animal is in distress, whether or not as a result of enforcement actions taken pursuant to this Bylaw, the Bylaw Enforcement Officer may take the Animal to a Registered Veterinarian for treatment. Once treated, the Animal shall be transferred to the Animal Shelter.

- 7.2 All costs and expenses incurred by the Town as a result of veterinary treatment pursuant to Section 7.1 above, shall be recoverable from the Owner of the Animal as a lawful debt owed to the Town.
- 7.3 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, Sundays, Statutory Holidays and days that the Animal Shelter is not open shall not be included.
- 7.4 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 10 days from the date the Animal was impounded. In the calculation of the 10-day period, Sundays, Statutory Holidays and days that the Animal Shelter is not open shall not be included.
- 7.5 Subject to Paragraph 7.4, where the Owner of an Animal has been notified that the Animal has been impounded in accordance with Paragraph 7.6, the Animal must be kept by the Animal Shelter a minimum of 5 days from the date that the Owner was served with such notice. In the calculation of the 5-day period, Sundays, Statutory Holidays and days that the Animal Shelter is not open shall not be included.
- 7.6 If the Bylaw Enforcement Officer knows or can ascertain the name of the Owner of any impounded Animal, he/she shall, within 48 hours of ascertaining the name of the Owner, serve the Owner a notice in substantially the form prescribed in Schedule "C" of this Bylaw, either personally or by leaving it at the Owner's property, or by mailing such notice to the last known address of the Owner. The Owner to whom such a notice is mailed under this Section is deemed to have received the notice within forty-eight (48) hours from the time that the notice is mailed.
- 7.7 Subject to the provisions of Paragraph 7.9, during the period established in Paragraphs 7.3, 7.4 or 7.5 above, the Animal may be redeemed by its



Owner, except as otherwise provided in this Bylaw, upon payment to the Town:

- (a) the cost of impoundment calculated in accordance with the fees specified in Schedule "B" of this Bylaw; and
- (b) 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, Chapter A-41, as amended, or repealed and replaced from time to time.

7.8 The Owner shall be required provide proof of ownership of the Animal at the time of redeeming the Animal.

7.9 Notwithstanding Paragraph 7.7, where a Dog has been captured and impounded by the Bylaw Enforcement Officer as a result of the Dog biting a Person, the Dog shall remain impounded until such time as the Bylaw Enforcement Officer is satisfied, in his/her sole discretion, that the Dog does not pose a danger to public safety. Where the Owner of the Dog has been served with notice of the Dog's impoundment in accordance with Paragraph 7.5 and has advised the Town within 5 days of being served with such notice that he/she wants to redeem the Dog, then within 10 days of receiving notice from the Owner that he/she wants to redeem the Dog, the Bylaw Enforcement Officer must either make application to the Courts for an Order under the *Dangerous Dog Act*, which application may include seeking an Interim Order that the Dog remain impounded for a specified period of time, or release the Dog to the Owner on whatever conditions that the Bylaw Enforcement Officer, in his/her sole discretion, deems appropriate. In the calculation of the 10 day period, Sundays, Statutory Holidays and days that the Courts are not open shall not be included

7.10 At the expiration of the time period established at Paragraphs 7.3, 7.4 or 7.5 above, whichever is applicable, the Council or its designate is authorized to:

- (a) offer the Animal for sale or as a gift;
- (b) destroy the Animal in a humane manner;
- (c) allow the Animal to be redeemed by its Owner in accordance with the provisions of Paragraphs 7.7 and 7.8 above; or



- (d) 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.

7.11 Proceeds of the sale of an Animal shall be distributed in accordance with the priorities set by Section 7 of the *Animal Protection Act*.

7.12 The Town, its officials, officers, employees and agents, shall not be liable for any injury or death caused to an Animal arising in connection with the capture and or impoundment of such Animal pursuant to this Bylaw.

SECTION 8: PENALTIES

8.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to a penalty not less than the minimum penalty set out in Schedule "A" herein.

8.2 Notwithstanding Paragraph 8.1 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, will be liable to not less than double the minimum penalty as set out in Schedule "A" of this Bylaw.

8.3 A Provincial Judge, in addition to the penalties provided in this section may, if he considers the offence to be sufficiently serious, may direct or order the person who owns, keeps, maintains, or harbors a dog, to prevent such dog from doing mischief or causing a disturbance or a nuisance complained of, to pay such restitution as necessary to a party deemed to be affected by a breach of this Bylaw, or to have the animal removed from the Town, or to have the animal destroyed.

SECTION 9: VIOLATION TAGS AND VIOLATION TICKETS

9.1 A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any Person whom the Bylaw Enforcement Officer has reasonable grounds to believe has contravened or is responsible for a contravention of any provision of this Bylaw.

9.2 A Violation Tag issued pursuant to this Bylaw shall be in a form approved by the Chief Administrative Officer and may be delivered to the Person reasonably believed to have contravened this Bylaw by means of personal delivery or by mailing a copy to the Person as his/her last know post office address.



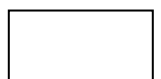
- 9.3 Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town, the penalty specified on the Violation Tag.
- 9.4 Where a violation Tag has been issued and the specified penalty not paid within the prescribed time indicated on the Violation Tag, a Bylaw Enforcement Officer is authorized 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, to any person that the Bylaw Enforcement Officer has reasonable grounds to believe contravened a provision of this Bylaw
- 9.5 Notwithstanding paragraph 9.4 of this Bylaw, a Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any Person whom the Bylaw Enforcement Officer has reasonable grounds to believe has contravened or is responsible for a contravention of any provision of this Bylaw regardless of whether a Violation Tag has first been issued. Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Ticket.
- 9.6 A Person to whom a Violation Ticket is issued pursuant to this Bylaw may, in accordance with the *Provincial Offences Procedure Act*, elect to plead guilty and make a voluntary payment of the specified penalty indicated on the Violation Ticket on or before the initial appearance date indicated on the Violation Ticket.

SECTION 10: GENERAL PROVISIONS

- 10.1 Should any provision of this Bylaw be determined invalid, then the invalid provision shall be severed and the remaining Bylaw shall be maintained.
- 10.2 Bylaw #01-17 and all amendments thereto are hereby repealed.
- 10.3 This Bylaw shall come into effect upon third and final reading thereof.

READ A FIRST TIME this 7th day of September, 2005.

READ A SECOND TIME this 21st day of September, 2005.



READ A THIRD TIME and finally passed this 12th day of October, 2005.

MAYOR

EXECUTIVE ASSISTANT

