

## BYLAW 46-4

### BEING A BYLAW OF THE TOWN OF BANFF, IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE LICENSING, KEEPING AND CARE OF ANIMALS IN THE CORPORATE LIMITS OF THE TOWN OF BANFF

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**WHEREAS** the *Municipal Government Act*, RSA 2000, Chapter M-26 authorizes a council to pass bylaws with respect to domestic animals and activities in relation to them;

**NOW THEREFORE** the Council of the Town of Banff, in the Province of Alberta, duly assembled, enacts as follows:

#### CITATION

1. This bylaw may be cited as the “Animal Services Bylaw”.

#### INTERPRETATION

2. In this bylaw,
  - a) Any reference to a named act is a reference to an Act of the Legislature of Alberta, as amended from time to time;
  - b) A reference to a named act followed by the word “Canada” is a reference to an Act of the Parliament of Canada, as amended from time to time;
  - c) Words importing the masculine gender include the feminine gender and words importing the feminine gender include the masculine gender;
  - d) Words in the singular include the plural and words in plural include the singular.
  - e) Any reference to another Town of Banff bylaw shall refer to that bylaw currently in effect and will include any and all amendments to such bylaw or any other bylaw passed in substitution.
  - f) Any references a Town of Banff staff position, department or committee is deemed to be to the current name that the staff position, department or committee is known by.
  - g) The definitions in Schedule “A” will apply to the corresponding words if the first letter of that word is capitalized in this bylaw.

#### LICENSING OF DOGS AND CATS

3. Every Guardian of a Dog shall obtain an annual licence and pay a licence fee for said Dog.
4. Every Guardian of a Cat shall obtain and pay a licence fee for, an annual licence for said Cat.
5. No Person shall keep a Vicious Animal within the limits of the Town without obtaining a Vicious Animal licence.

6. Every Animal licence shall expire on December 31<sup>st</sup> of the year it was issued. All Animal licences shall be renewed and any fees attached thereto are due and payable by January 1<sup>st</sup> of the new year.
7. No Animal licences shall be issued to Persons under the age of eighteen (18) years.
8. Every Guardian shall provide his Dog or Cat with a collar to which shall be attached the licence tag for such Dog or Cat. The collar and tag shall be worn by such Animal at all times when such Animal is not on the property or premises of the Guardian.
9. In the case that a licence tag is lost or misplaced in any way a replacement tag will be issued for the sum set out in **Schedule “B”**.
10. Each licence issued pursuant to this bylaw for a specified Animal shall not be transferred to any other Animal.
11. Persons who, through lack of eyesight or any other medical infirmity require the assistance of an Animal such as a “seeing eye dog”, shall, upon application and approval, be issued an annual licence for such Animal at no charge.
12. The above provisions shall not apply to Animals accompanying a person in Town for thirty (30) days or less in any calendar year.

#### **KEEPING AND CARE OF ANIMALS**

13. The keeping of Animals in the Town is allowed only in accordance with the provisions of any Town Land Use Bylaw or as herein provided.

Amended 2020.10.13 Bylaw 445
14. The keeping of:
  - 14.1 No more than four Dogs or four Cats are permitted per legal dwelling unit.
    - a) This section does not apply to Dogs and Cats under the age of three months.
  - 14.2 Domestic Household Pets is permitted where the Domestic Household Pets are kept Indoors.
    - a) The keeping of domestic rabbits is prohibited.
  - 14.3 The keeping of Livestock is not permitted unless otherwise authorized in this Bylaw.

Amended 2020.10.13 Bylaw 445
15. No Person shall harm any Animal or cause or allow an Animal to be or continue to be in distress within the corporate limits of the Town.

Amended 2020.10.13 Bylaw 445
16. No Commercial Kennel shall be permitted on residential property within the Town.

17. Deleted.

Deleted 2020.10.13 Bylaw 445

18. Deleted.

Deleted 2020.10.13 Bylaw 445

19. Any Person may keep horses in the Town so long as such person has a valid development permit to keep horses in compliance with the Town of Banff Land Use Bylaw or boards their horses at an approved livery.
20. A Peace Officer may order the Guardian of any Animal to remove such Animal from the limits of the Town, if in the opinion of the Peace Officer, the Animal is dangerous to the public.
21. If the Guardian of an Animal does not obey an order of a Peace Officer made pursuant to section 20 the Peace Officer may take custody and assume care of said Animal in addition to the penalties set out in **Schedule“B”**.
22. No Guardian of any Animal shall allow such Animal to be At Large within the corporate limits of the Town.
23. No Guardian shall permit his Animal to damage public or private property.
24. If an Animal defecates on any public or private property other than the property of its Guardian, the Guardian shall cause such defecation to be removed immediately.
25. The Guardian of an Animal shall ensure that such Animal shall not generally become a public nuisance and specifically shall ensure that such Animal does not:
- a) bite or attack any Person or animal,
  - b) chase or otherwise threaten any person other than a trespasser on the property of the Guardian,
  - c) upset any garbage receptacle or scatter the contents of any garbage receptacles, or
  - d) chase or harass wildlife.
26. Any Guardian of an Animal shall ensure that such Animal does not enter or remain in or on a school ground, public playground, cemetery or any other area where Animals are prohibited by posted signs.
27. The Guardian of a female Dog shall ensure that when such Dog is in heat, it is:
- a) housed and confined during the entire period it is in heat and
  - b) not kept at any location where the Dog is a source of attraction to other Dogs.

## **HOUSING AND CARE OF STRAY ANIMALS**

28. A Peace Officer is authorized to capture and assume care of:
- a) any Animal found in contravention of this bylaw.
  - b) any Animal found wounded, diseased, distressed or apparently abandoned.
29. Any Animal under the assumed care of the Town shall be kept and cared for at the Animal Services Shelter.

30. The Town shall keep all Animals for a minimum of seventy-two (72) hours excluding statutory holidays. The Guardian of any healthy Animal may claim such Animal at any point during this period upon payment of any applicable fines and or fees.
31. Any Animal which, in the sole discretion of a Peace Officer, required and received veterinarian care may not be redeemed except upon payment of the cost of such care.
32. Any Animal which appears to be suffering from a disease shall be isolated and examined by a veterinarian and subject to appropriate action under the Health of Animals Act of Canada.
33. If at the expiration of the seventy-two (72) hours, any
  - a) Cat or Dog has not been redeemed; such Animal shall be turned over to and become the property of an animal care agency approved by the Town.
  - b) Livestock has not been redeemed; such Animal shall be safely confined and tended to at an appropriate place until such time as it may be examined by an “inspector”, as defined in the Stray Animals Act.
  - c) Animal other than Cats, Dogs or Livestock has not been redeemed; such Animal shall be sold, adopted out, gifted or euthanized.
34. No Person shall remove or attempt to remove any Animal(s) from the possession of the Town without payment of all fines and fees applicable.

#### **SECURING ANIMALS IN VEHICLES**

35. No person shall:
    - a) Allow an Animal to be outside of the passenger cab of a motor vehicle on a roadway, regardless of whether the motor vehicle is moving or parked; and
    - b) Allow a dog to be left unattended in any motor vehicle unless it has suitable ventilation and water.
- Amended 2020.10.13 Bylaw 445
36. Notwithstanding section 35, 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 flat bed truck if the Animal is:
    - a) in a fully enclosed trailer;
    - b) in a topper that fully encloses the bed area of a truck;
    - c) contained in a ventilated kennel or similar device securely fastened to the bed of the truck; or
    - d) securely tethered in such a manner that it is not standing on bare metal, cannot jump or be thrown from the vehicle, is not in danger of strangulation, and cannot reach beyond the outside edges of the vehicle.

#### **SPECIAL PROVISIONS FOR VICIOUS ANIMALS**

37. If a Peace Officer determines that an Animal is a Vicious Animal, either through personal observation or after an investigation initiated by a complaint, he or she may, in writing:
  - a) inform the Guardian that his Animal has been determined to be a Vicious Animal;
  - b) require the Guardian to keep such Animal in accordance with the provisions relating to Vicious Animals set out in this bylaw; and
  - c) inform the Guardian that if the Vicious Animal is not kept in accordance with the provisions relating to Vicious Animals set out in this bylaw, the Guardian will be fined, or subject to other enforcement action pursuant to this bylaw.

38. In addition to any foregoing provisions that apply, the following shall also apply to any Guardian of a Vicious Animal:
- a) Within three (3) business days of receiving notification that an Animal has been declared a Vicious Animal the Guardian must obtain a Vicious Animal licence for said Animal.
  - b) At all times while a Vicious Animal is on the premises of its Guardian, the Guardian shall keep such Animal either confined indoors or confined in a securely enclosed or locked pen or other structure which is constructed to prevent the escape of the Animal and the entry of young children.
  - c) Such pen shall have secure sides and a secure top, and if it has no bottom secured to the sides, the sides must be embedded in the ground to a minimum depth of one (1) foot.
39. When any Vicious Animal is off the premises of the Guardian, the Guardian shall securely muzzle such Animal and either harness it or leash it securely to effectively prevent it from attacking or biting any Person or other Animal.
40. The Guardian of a Vicious Animal shall:
- a) notify the Town of Banff and Town Manager or designate should the Animal die, be sold, gifted or transferred in any way to another Person; and
  - b) remain liable for the actions of the Animal until the Town of Banff and Town Manager or designate receives formal notification of any sale, gift or transfer of the Animal.
41. In addition to the remedies set forth in this bylaw, if a Peace Officer determines that a Vicious Animal is not being kept in accordance with this Bylaw he may:
- a) direct that such Animal be controlled in accordance with this bylaw or be removed from the Town; and
  - b) make a complaint pursuant to the Dangerous Dogs Act for an order directing the Animal to be controlled or destroyed.

#### **CONTROL OF COMMUNICABLE DISEASES**

42. The Guardian of an Animal suspected of having a communicable disease shall immediately report the matter to the Town of Banff and Town Manager or designate and all pertinent information shall be forwarded to a Veterinary Inspector of the Canadian Food Inspection Agency.
43. The Guardian of an Animal suspected of having a communicable disease shall confine and isolate the Animal, in such a manner as prescribed for Vicious Animals in Section 38(b) and (c), so as to prevent further spread of the disease.
44. The Guardian of an Animal suspected of having a communicable disease shall keep the Animal confined for not less than ten (10) days.
45. Any costs incurred due to veterinary treatment or confinement of an Animal suspected of having a communicable disease shall be borne by the Guardian of said Animal.

## VIOLATIONS AND ENFORCEMENT

46. Any Person who contravenes or is the Guardian of an Animal that contravenes the provisions of this bylaw is guilty of an offence and is liable for the penalty set out in Schedule “B”, or if no penalty is specified in Schedule “B” for that particular offence, then upon summary conviction before a court of competent jurisdiction, shall be liable to a fine of not less than One Hundred (\$100.00) Dollars and not more than Two Thousand Five Hundred Dollars (\$2,500.00) or in the event of non-payment of the fine, imprisonment for a period not exceeding ninety (90) days unless such fine is sooner paid.
47. In the case of any offence that is of a continuing nature, each day on which the offence continues shall constitute a new and separate offence.
48. No action shall be taken against a Peace Officer acting under the authority of this bylaw for damages for destruction or other disposal of any Animal.
49. No person shall hinder, delay or obstruct a Peace Officer engaged in enforcing any provision of this bylaw.
50. When a Person is alleged to have contravened any provision of this bylaw, a Peace Officer may issue a Town of Banff Notice of Offence or a Violation Ticket pursuant to the Provincial Offences Procedures Act.
- Amended 2020.10.13 Bylaw 445
51. Where there is a specified penalty listed for an offence in Schedule “B” to this bylaw, that amount is the specified penalty for the offence.
52. In lieu of prosecution, the Person named in the Town of Banff Notice of Offence may elect to voluntarily make payment to the Town of the penalty amount specified in the Violation Ticket.
- Amended 2020.10.13 Bylaw 445
53. If the payment specified in the Town of Banff Notice of Offence is not paid in accordance with the terms of the ticket and in the time required by the ticket, a prosecution may be commenced for the alleged contravention of this bylaw.
- Amended 2020.10.13 Bylaw 445
54. The Guardian of any Animal that attacks or bites any human or other Animal within the corporate limits of the Town shall be deemed guilty of an offence. Upon hearing of any such complaint the presiding judge may, in addition to any other penalty, make an order directing any one or a combination of the following:
- a) the Guardian of said Animal to pay such damages as the complainant may have sustained,
  - b) the Guardian of said Animal to confine or muzzle such Animal for such a period as the presiding judge may determine,
  - c) the Guardian of said Animal to forthwith deliver such Animal to the Town of Banff and Town Manager or designate who shall arrange for the euthanasia of the Animal, or the Guardian to remove the Animal from within the corporate limits of the Town.
55. If a motor vehicle is involved in any contravention of this bylaw, the owner of that motor vehicle is guilty of an offence.
- Added 2020.10.13 Bylaw 445

56. A Town of Banff Notice of Offence shall be deemed sufficiently served for the purpose of this bylaw if:

- a) Served personally on the accused; or
- b) Mailed by regular post to the address of the registered owner of the vehicle concerned; or to the person concerned; or
- c) Attached to or left securely and visibly upon the vehicle in respect of the offence that has alleged to have been committed.

Added 2020.10.13 Bylaw 445

### ENACTMENT/TRANSITION

57. If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

Renumbered 2020.10.13 Bylaw 445

58. Schedules “A” and “B” form part of this bylaw.

Renumbered 2020.10.13 Bylaw 445

59. Bylaw 46-3 is repealed upon this bylaw coming into force.

Renumbered 2020.10.13 Bylaw 445

60. This bylaw comes into force after the date of final passing, upon approval and execution by the Superintendent, Banff National Park, for the Minister of the Environment.

Renumbered 2020.10.13 Bylaw 445

Read a first time this 8<sup>th</sup> day of December, 2008.

Read a second time this 8<sup>th</sup> day of December, 2008.

Read a third time this 15<sup>th</sup> day of December, 2008.

Approved on behalf of the Town of Banff:

\_\_\_\_\_  
On Original  
John Stutz  
Mayor

\_\_\_\_\_  
December 17, 2008  
Date

\_\_\_\_\_  
On Original  
Robert Earl  
Town Manager

\_\_\_\_\_  
December 17, 2008  
Date

Approved by the Minister of the Environment, by his delegate, this 8<sup>th</sup> day of January, 2009.

\_\_\_\_\_  
On Original  
Minister of the Environment/Delegate

## SCHEDULE “A” - Definitions

The following definitions will apply to the corresponding words if the first letter of that word is capitalized in this bylaw:

- a) **Animal** means any bird, reptile, amphibian or mammal that has been domesticated by man.
- b) **Animal Services Shelter** means the facility established for the holding, safekeeping and care of Animals in accordance with the provisions of this bylaw.
- c) **At Large** means not under Physical Control at any place other than on the premises of the Guardian or on private property to which the Guardian has the right of occupation.
- d) **Cat** means any Animal of the feline species.
- e) **Distress means**
  - i) Deprived of adequate shelter, ventilation, space food, water, or veterinary care or reasonable protection from injurious heat or cold;
  - ii) Injured, sick, in pain or suffering; or
  - iii) Abused or subjected to undue hardship, privation, or neglect;

Added 2020.10.13 Bylaw 445
- f) **Dog** means any Animal of the canine species.

Renumbered 2020.10.13 Bylaw 445
- g) **Domestic Household Pets** include but are not limited to domestic mice, gerbils, guinea pigs, hamsters, hedgehogs, ferrets,, chinchillas, reptiles and domesticated rats;

Added 2020.10.13 Bylaw 445
- h) **Commercial Kennel** means any place used for the keeping of Animals for commercial purposes.

Renumbered 2020.10.13 Bylaw 445
- i) **Livestock** Livestock means:
  - i) A horse, mule, ass swine, emu, ostrich, camel, llama, alpaca, sheep or goat;
  - ii) Domestically reared or kept deer, reindeer, moose, elk or bison;
  - iii) Any farm bred for rearing Animal;
  - iv) Bovine Animals;
  - v) Avian species including chickens, turkeys, ducks, geese or pheasants; and
  - vi) But does not include cats, dogs, or other Domesticated Household Pets.

Renumbered 2020.10.13 Bylaw 445
- j) **Guardian** means any Person who ;
  - i) is named on a licence or can provide proof of Guardian ship,
  - ii) has either permanent or temporary possession or custody of the Animal, or
  - iii) has actual or apparent possession or control of the property where an Animal resides or is allowed to stay.

Renumbered 2020.10.13 Bylaw 445



k) **Peace Officer** means the following persons while that person is in the exercise or discharge of their power or duties: a Community Peace Officer appointed under the Peace Officer Act, a member of the Royal Canadian Mounted Police, or a park warden appointed under the National Parks Act of Canada.

Renumbered 2020.10.13 Bylaw 445

l) **Person** includes a corporation and the heirs, executors, administrators or other legal representative of a person.

Renumbered 2020.10.13 Bylaw 445

m) **Physical Control** means:

- i) restrained by a leash not exceeding three (3) metres in length, which is securely held by a competent and physically capable Guardian; or
- ii) kept in a container, an enclosure or a motor vehicle.

Renumbered 2020.10.13 Bylaw 445

n) **Town** means the Corporation of the Town of Banff and, where the context requires, the land included within the boundaries of the Town of Banff.

Renumbered 2020.10.13 Bylaw 445

o) **Vicious Animal** means any **Animal** of any age, species or breed, whether on public or private property that has, without provocation,

- i) attacked, bitten or injured any other animal or human;
- ii) shown a propensity to chase persons who approach it;
- iii) threatened or created the reasonable apprehension of a threat to a human; or
- iv) has been determined by a peace officer either through personal observation or after an investigation to be a Vicious Animal.

Renumbered 2020.10.13 Bylaw 445

## SCHEDULE “B” –Fees and Penalties

### LICENCE FEES

Section	Description	Amount
3	Any spayed female Dog or neutered male Dog over six (6) months of age, or any Dog less than six (6) months of age, whether altered or not	\$55.00
3	Any unaltered Dog over the age of six (6) months	\$125.00
4	Any spayed female Cat or neutered male Cat over six(6) months of age, or any cat less than six months of age, whether altered or not	\$20.00
4	Any unaltered Cat over the age of six (6) months	\$125.00
5	Vicious Animal	\$500.00
9	Replacement licence tag	\$10.00
28	Housing, food and care for each 24 hour period or part thereof	\$40.00

Amended 2020.1207 Bylaw 388-3

## PENALTIES

Section	Description	Amount
3 and 4	Fail to licence Dog or Cat	\$200.00
8	Dog or Cat not wearing licence tag	\$25.00
15	Harm or abuse of Animals	\$500.00
21	Fail to obey the order of a Peace Officer to remove an Animal from the limits of the Town	\$300.00
	Each day or part thereof that the offence continues after conviction	\$50.00
22	Animal at Large	\$100.00
22	Vicious Animal At Large	\$1500.00
23	Animal damage public or private property	\$100.00
24	Guardian fail to remove defecation from property other than his/her own	\$100.00
25(a)	Vicious Animal bite or attack of any Person	\$2500.00
25(a)	Vicious Animal bite or attack other Animal	\$1500.00
25(a)	Animal bite, attack or run at any Person or animal	\$300.00
25(b)	Animal chase or threaten any Person	\$200.00
25(c)	Animal upset any garbage receptacle or scatter the contents of any garbage receptacles	\$100.00
25(d)	Animal chase or harass wildlife	\$250.00
26	Allow Animal to enter or remain in or on a school ground, public playground, cemetery or other area where prohibited by posted signs	\$100.00
27	Fail to confine female dog in heat	\$150.00
34	Remove or attempt to remove any Animal from possession of the Town without paying fees	\$250.00
35	Animal outside cab of vehicle	\$100.00
37,38,39 and 40	Fail to keep a Vicious Animal in accordance with the provisions relating to Vicious Animals	\$1500.00
43	Fail to keep an Animal suspected of having a communicable disease in accordance with the provisions outlined in section 38	\$500.00
49	Interference or obstruction with enforcement	\$250.00