

## CITY OF BROOKS BYLAW NO. 25/07

### A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE REGULATING AND CONTROLLING OF ANIMALS.

**WHEREAS**, pursuant to Section 7 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26 as amended, a Council may pass Bylaws providing for the control and regulation of animals within the municipality;

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

**AND WHEREAS**, it is desirable to pass a Bylaw dealing with the licensing and regulation of animals in the City of Brooks;

**NOW THEREFORE**, the Council of the City of Brooks in the Province of Alberta hereby enacts as follows:

#### **1. Title:**

100. This Bylaw may be cited as the "City of Brooks Animal Control Bylaw."

#### **2. Definitions:**

200. In this Bylaw unless the context otherwise requires:

201. "**Animal Services Centre**" means a facility designated by the Chief Administrative Officer where animals are held or impounded;
202. "**Attack**" means any application of force and includes, but is not limited to, Biting and scratching, but excludes any incident where an animal acts to defend itself or a person from assault;
203. "**Bite**" means wound to the skin causing it to bruise, puncture, or break;
204. "**Bylaw**" means the City of Brooks Animal Control Bylaw No. 21/20 as maybe amended from time to time;
205. "**Chief Administrative Officer (CAO)**" means the Chief Administrative Officer of the City of Brooks regardless of any subsequent title that may be conferred on that officer by Council or statute, or his or her designate;

206. **“City”** means the City of Brooks, a Municipal Corporation in the Province of Alberta, or the geographical area contained within the boundaries of the City of Brooks, as the context may require;
207. **“Coop”** means a fully enclosed weatherproof structure intended for the keeping of Hens;
208. **“Council”** means the Municipal Council of the City of Brooks;
209. **“Fancier’s Licence”** means a licence issued by a Licensing Office which permits up to five (5) dogs and five (5) cats to be ordinarily resident in a household.
210. **“Former Owner”** means the person who at the time of impoundment was the Owner of an animal which has subsequently been sold or destroyed;
211. **“Golf Course”** means land which is set aside for the playing of the game of golf and upon which the game of golf is played;
212. **“Hen”** means a domesticated female chicken;
213. **“Hen Licence”** means a licence issued by the Chief Administrative Officer authorizing the licence holder to keep Hens on a specific property within the City;
214. **“Injury”** means any hurt to a person or animal that interferes with the health or comfort of the person or animal;
215. **“Leash”** means a chain or other material capable of restraining the animal on which it is being used;
216. **“Licensing Office”** means an Animal Service Centre or any location(s) and/or online platform(s) that have been deemed responsible for selling licences;
217. **“Livestock”** means:
218. A horse, mule, ass, swine, emu, ostrich, camel, llama, alpaca, or sheep;
219. Domestically reared or kept deer, reindeer, moose, elk or bison;
220. Farm bred fur bearing animal including foxes or mink;
221. Animals of the bovine species;
222. Animals of the avian species, including chickens, turkeys, ducks, geese, or pheasants; and,

223. All other animals that are kept for agricultural purposes, but does not include cats, dogs, or other domestic animals.
224. **“Muzzle”** means a device of sufficient strength placed over an animal’s mouth to prevent it from Biting;
225. **“Noise”** means any sound which annoys, disturbs, injures or endangers the comfort, repose, health and peace or safety of others. This may be a question of fact to be determined by the Provincial Court which hears the prosecution of an offence against this Bylaw;
226. **“Owner”** means any natural person or body corporate:
- 227. who is the licensed Owner of the animal;
  - 228. who has legal title to the animal;
  - 229. who has possession or custody of the animal, either temporarily or permanently;
  - 230. who harbours the animal or allows the animal to remain on his/her premises; or,
  - 231. who is registered under the Land Titles Act as the Owner of the fee simple estate in a parcel of land when referring to land;
232. **“Outdoor Enclosure”** means a securely enclosed, roofed outdoor area attached to and forming a part of a Coop, having a bare earth or vegetated floor for Hens to roam;
233. **“Park”** means a public space controlled by the City of Brooks and set aside as a Park to be used by the public for rest, recreation, exercise, pleasure, amusement, and enjoyment and includes:
- 234. Playgrounds;
  - 235. Natural areas;
  - 236. Sports Fields;
  - 237. Pathways;
  - 238. Trails; and,
  - 239. Park roadway.

240. **“Pathway”** means a multi-purpose thoroughfare controlled by the City of Brooks and set aside for use by pedestrians, cyclists, and persons using wheeled conveyances, whether or not it is located in a Park, and includes any bridge or structure with which it is contiguous;
241. **“Peace Officer”** means a Bylaw Enforcement Officer appointed by the City of Brooks pursuant to Section 555 of the *Municipal Government Act* and for the purpose of enforcement of this Bylaw, also includes a Community Peace Officer or a member of the Royal Canadian Mounted Police;
242. **“Playground”** means land within the City of Brooks and controlled by the City of Brooks upon which apparatus such as swings and slides are placed;
243. **“Pound Keeper”** means an individual or organization designated to be responsible to operate an Animal Services Centre;
244. **“Premises Identification Number”** means a nine-character combination of numbers and letters issued by the Province of Alberta pursuant to the provisions of the Animal Health Act and Premises Identification Regulation to owners of livestock;
245. **“Provincial Court”** means the Provincial Court of Alberta;
246. **“Public Property Area”** shall mean property owned by or under the control and management of the City or any other public or governmental authority within the municipal boundaries of the City, which, without limiting the generality of the foregoing shall include Parks, City owned facilities and School Grounds;
247. **“Remedial Order”** means an order written pursuant to Section 545 and Section 546 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, as amended;
248. **“Rooster”** means a domesticated male chicken;
249. **“Running at Large”** means an animal or animals which are not Under Control of a person responsible or not on the property of the responsible person for the said animal or animals;
250. **“School Ground”** means that area of land adjacent to a school and that is property owned or occupied by Grasslands Public Schools, Christ the Redeemer School Division or Conseil scolaire FrancoSud and includes property owned or occupied with another party or the City of Brooks;

251. **“Service Animal”** means that which is a licensed Service Animal and is approved by Government set regulations;
252. **“Sports Field”** means land within the City of Brooks and controlled by the City of Brooks which is set apart and used for the playing of a sport including baseball diamonds, soccer, or football fields but excludes bleachers and/or seating areas;
253. **“Under Control”** means that an animal responds to the commands given by the Owner or is on a Leash held by a person capable of controlling the animal. This may be a question of fact to be determined by the Provincial Court which hears the prosecution of an offence against this Bylaw;
254. **“Ventilation”** means sufficient air flow to ensure the health and welfare of an animal;
255. **“Vehicle”** means self-propelled wheeled vehicle that does not run on rails excluding motorized mobility aids;
256. **“Vicious Animal”** means any animal that a Peace Officer has declared to be Vicious pursuant to Section 21;
257. notwithstanding the above, no animal shall be declared “Vicious” if it defends itself or a person from assault.
- This may be a question of fact to be determined by the Provincial Court which hears the prosecution of an offence against this Bylaw;
258. **“Violation Tag”** means a tag or similar document issued by the City pursuant to the Act;
259. **“Violation Ticket”** means a ticket issued pursuant to Part II of the *Provincial Offences Procedures Act*, RSA 2000, c P-34, as amended and any Regulations thereto;
260. **“Wading or Swimming Area”** means any area designated by the Chief Administrative Officer as an outdoor water spray Park; and,
261. **“Wild Animal”** means any animal not being raised or kept domestically, including, but not limited to, ducks, geese, pigeons, seagulls, magpies, crows, ravens, racoons, coyotes and/or squirrels.

### **3. General Rules**

300. Each provision of this Bylaw is independent from all other provisions and if any provision is declared invalid for any reason by a Provincial Court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

301. Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other Bylaw or any requirement of any lawful permit, order or licence.
302. Any heading, sub-headings, or table of contents in this Bylaw are included for guidance purposes and convenience only, and shall not form part of this Bylaw.
303. Where this Bylaw refers to another Act, Bylaw, regulation or agency, it includes reference to any Act, Bylaw, regulation or agency that may be substituted therefore.
304. All the schedules attached to this Bylaw shall form a part of this Bylaw.
305. An Owner whose animal excessively barks, howls or makes Noise so as to disturb the quiet or repose of any person is guilty of an offence.
306. An Owner of any animal which has damaged any Public Property Area or private property, not the property of the Owner within the municipal boundaries of the City is guilty of an offence.
307. No more than three (3) dogs over the age of three (3) months shall be ordinarily resident on a parcel of land within the municipal boundaries of the City.
308. An Owner, who owns more than three (3) dogs over the age of three (3) months as provided in Section 307 herein, is guilty of an offence.
309. No more than four (4) cats over the age of three (3) months shall be ordinarily resident on a parcel of land within the municipal boundaries of the City.
310. An Owner, who owns more than four (4) cats over the age of three (3) months as provided in Section 309 herein, is guilty of an offence.
311. Sections 307 – 310 herein, shall not apply to:
  312. premises lawfully used for the care and treatment of dogs or cats, operated by, or under the supervision of a licensed veterinarian;
  313. premises which may be used for the purpose of a dog show;
  314. premises that is used for the operation of a pet store;
  315. any person in possession of a valid City Fancier's Licence, provided the Fancier's Licence authorized animals of that species and number; or,
  316. an Animal Services Centre.

317. Any person who abuses or injures any animal in the City is guilty of an offence.
318. Any person who teases, torments or annoys any animal in the City is guilty of an offence.
319. Any person who kills an animal in the City is guilty of an offence.
320. Subsection 319 herein, shall not apply to a Peace Officer, licensed veterinarian or anyone killing an animal under the direction of a veterinarian.
321. If an animal defecates on any Public Property Area or private property other than the property of its Owner, the Owner shall remove such feces immediately and dispose of this in a correct manner.
322. The Owner of an animal shall ensure that such animal shall not upset any waste receptacles or scatter the contents thereof either in or about a street, lane, or other Public Property Area or in or about premises not belonging to or in the possession of the Owner of the animal.
323. No person shall use a trap that harms, injures, dismembers, maims or kills an animal. This includes, but is not limited to electrified traps, snap traps and snares.

#### **4. Dog & Cat Licensing Requirements**

400. No person shall own or keep any dog or cat within the City of Brooks unless such dog or cat is licensed as provided in the Bylaw. Where the Pound Keeper provides a signed written statement indicating that a person or animal does, or does not, have a valid licence, the statement shall be deemed proof of such.
401. The Owner of a dog or cat shall ensure that the dog or cat wears the current licence purchased for that dog or cat, at all times.
402. The Owner of a dog or cat shall obtain an annual licence for such dog or cat at such times and in the manner as specified in Subsections 403 - 407 and Section 6.
403. The Owner of a dog or cat shall:
  404. be over the age of eighteen (18) years;
  405. obtain a licence for such dog or cat within fourteen (14) days on which the Licensing Office or designate is open for business after the dog or cat becomes three (3) months of age;
  406. obtain a licence within fourteen (14) days on which the Licensing Office or designate is open for business after becoming the Owner of the dog or cat; and,

407. obtain a licence for a dog or cat which shall expire one (1) year after the date of purchase.

408. Section 4 shall not apply to the following:

409. a person if the person owned or kept the dog or cat in the course of operating or working for a business that provides animals or services related to animals;

410. a person who is visiting the City for less than fourteen (14) days; and,

411. the onus of proving Section 4 does not apply is on the Owner.

## **5. Licenced Animals – Ride Home Program**

500. In the event that an animal is Running at Large and captured pursuant to Section 24 of this Bylaw, a Peace Officer or a person acting under the authority of a Peace Officer may return the animal to its Owner(s) in accordance with the Animal Control Ride Home Program guidelines:

501. The captured animal must have a valid licence and must be wearing the licence tag;

502. The captured animal's registered Owner or representative must be at the animal's residence, in order to take possession of the animal when it is delivered home. In the event that the Owner or representative is not at home, the animal will be impounded as per Section 27 of this Bylaw;

503. The captured animal's Owner shall not have any outstanding fees or fines under this Bylaw;

504. The Animal Control Ride Home Program will not apply to any Vicious Animal as pursuant to this Bylaw;

505. An animal Running at Large Violation Tag and/or Ticket may be issued as pursuant to this Bylaw;

506. A captured animal's Owner can benefit only once from the Animal Control Ride Home Program. Subsequent offences shall result in impoundment of the animal; and,

507. The Chief Administrative Officer is hereby authorized to establish further Animal Control Ride Home Program guidelines provided such guidelines and/or procedures are not in conflict with any provisions of this Bylaw or amendments thereto.

## **6. Licensing Information**

600. When applying for a licence under this Bylaw, the Owner shall provide the following:

601. a description of the animal, including breed, name, gender and age;
  602. the correct name, address and contact telephone number of the Owner;
  603. where the Owner is a corporate body, the name, address and telephone number of the natural person responsible for the dog or cat;
  604. if applicable, information establishing that the animal is neutered or spayed;
  605. if applicable, information of a Peace Officer declaring the animal a Vicious Animal;
  606. any other information a Peace Officer may require; and,
  607. the applicable annual licence fee for each animal, as set out in Schedule "B".
608. No person shall give false information when applying for a licence pursuant to this Bylaw.
609. An Owner shall forthwith notify the Licensing Office of any change with respect to any information provided in an application for a licence under this Bylaw.

## **7. Fancier's Licence**

700. Any person who holds a valid Fancier's Licence may cause or permit up to five (5) dogs or five (5) cats to be ordinarily resident in a household.
701. When applying for a Fancier's Licence under this Bylaw, the Owner shall provide the following:
  702. proof that a valid licence has been issued for each animal owned by the person applying for the Fancier's Licence;
  703. the name, sex, breed and age of each animal;
  704. proof that each animal is spayed or neutered. This requirement may be waived if there is good and sufficient reason such as age of the animal or intentions to breed the animal. If the waiver is requested for breeding purposes, evidence may be required, such as a letter of reference, that the Owner is a responsible breeder;
  705. proof that each animal is sufficiently vaccinated;
  706. any other information a Peace Officer may require; and,

707. the applicable annual licence fee as set out in Schedule "B".

708. The Licensing Office may in its sole discretion refuse or revoke a Fancier's Licence upon thirty (30) days' notice.

709. Each Fancier's Licence shall expire one (1) year after the date of purchase.

710. Fancier's Licences can be obtained at a Licensing Office.

## **8. Replacement of Lost Licence**

800. Upon losing a licence, an Owner of a licensed animal may present the receipt for payment of the current year's licence fee to a Licensing Office, who will issue a new tag to the Owner for the fee set out in Schedule "B".

## **9. Proof of Licence**

900. The onus of proving a person has a valid and subsisting licence is on the person alleging the licence.

901. The onus of proving the age of an animal is on the person who claims the animal is less than three (3) months old.

## **10. Non-Transferable**

1000. A licence issued pursuant to this Bylaw is not transferable.

## **11. No Rebate**

1100. No person shall be entitled to a licence rebate under this Bylaw.

1101. Notwithstanding Subsection 1100, an Owner that has paid the licence fee for an unaltered dog may be entitled to a refund if the Owner proves the unaltered dog has now been spayed/neutered.

## **12. Service Animals**

1200. Where the Animal Services Centre is satisfied that a person who is disabled and is the Owner of a dog trained and used to assist such disabled person, there shall be no fee payable by the Owner for a licence under Sections 4 and 6.

## **13. Running at Large**

1300. An Owner whose animal is Running at Large is guilty of an offence.

## **14. Dogs in Off Leash Areas**

1400. Any Owner of a dog shall ensure the dog is on a Leash in any

Public Property Area that has not been designated as an “off Leash area”.

1401. An Owner of a dog is not required to have the dog on a Leash in a Park or portion of a Park which has been designated as an “off Leash area” as per Schedule “D”.
1402. The Owner of a dog in an “off Leash area” shall ensure that such dog is Under Control at all times.
1403. An Owner who fails to immediately restrain and remove a dog that is not Under Control, or is determined to be Vicious at that time, from the “off Leash area”, is guilty of an offence.

## **15. Animals Prohibited in Off-Leash Areas**

1500. The Owner of any animal other than a dog shall not allow the animal to enter into or remain in an area that has been designated by Council as an “off Leash area”.
1501. The Owner of a dog that has been determined to be a Vicious Animal shall not allow the dog in an “off Leash area”.

## **16. Dogs in Prohibited Areas**

1600. The Owner of a dog shall ensure that such dog does not enter or remain in or on a School Ground, Playground, Sports Field, Golf Course, Wading or Swimming Area or other areas where dogs are prohibited by posted signs.
1601. The Owner of a dog shall ensure that such dog does not enter or remain in a Park, or any part thereof, where the dog is within five (5) meters of a Play Structure, a Wading or Swimming Area, a Sports Field, or a Golf Course.
1602. The Owner of a dog shall ensure that such dog does not enter or remain in a Park or any part of a Park or on a Pathway which has been designated by the Chief Administrative Officer as an area where dogs are prohibited.

## **17. Animal Neglect**

1700. The Owner of an animal shall not contain an animal without ensuring the health and welfare of the animal by at least:
  1701. providing adequate food and water for the temperature and time period in which the animal will be confined;
  1702. providing adequate Ventilation for the temperature and time period in which the animal will be confined; and,
  1703. providing adequate space that the animal may stand up and

turn around without causing Injury to the animal while tethered, tied or inside a container.

1704. The Owner of an animal shall not leave an animal unattended on private property without providing adequate shelter, food, and water for the temperature and time period in which the animal is unattended.
1705. A Peace Officer is authorized to capture and seize an animal if it is suspected that the health and welfare of that animal is in jeopardy.
1706. A Peace Officer is authorized to take such reasonable measures as are necessary to enter private property, without prior notice and at any time, for the purpose of capturing or seizing an animal that is believed to be in distress or if it is believed by the Peace Officer to be an emergency.
1707. Upon having been seized by a Peace Officer, an animal will be taken to the Animal Services Centre where it will be impounded as per Section 27.
1708. The Owner of an animal shall not abandon an animal. Without limiting the generality of the foregoing, an Owner shall be deemed to abandon an animal if it is taken into custody by a Peace Officer or Pound Keeper and the Owner does not reclaim it within ninety-six (96) hours, unless the Owner proves that it was not feasible to do so.

## **18. Animals and Vehicles**

1800. The Owner of an animal shall not allow an animal to run alongside a moving Vehicle whether on a Leash or not.
1801. The Owner of an animal shall not leave an animal unattended inside or outside of a Vehicle unless the animal is confined so as to prevent access to persons or animals and that the confinement of said animal ensures the health and welfare of the animal as set out in Section 17.

## **19. Animals Suspected of Having Rabies**

1900. If a Peace Officer reasonably suspects an animal of having rabies, the Owner shall confine the animal as directed by a Peace Officer.
1901. Any charges incurred as a result of an animal's confinement shall be at the cost of the Owner.

## **20. Vicious Animals – Threatening Behaviours**

2000. An Owner of an animal is guilty of an offence if such animal:
- 2001. Attacks any person;
  - 2002. Bites, threatens, or chases Livestock, animals, bicycles or Vehicles;

- 2003. causes any Injury, chases or otherwise threatens a person or persons, whether on the property of the Owner or not, unless the person chased or threatened is a trespasser on the property of the Owner;
- 2004. causes damage to property while not on the property of the Owner; or,
- 2005. Attacks, harasses or causes Injury to another animal.

## **21. Vicious Animal – Declarations**

- 2100. A Peace Officer may declare an animal to be Vicious if there are reasonable and probable grounds to believe the animal is likely to Attack a person or other animal in the future. In making this determination, a Peace Officer may consider any relevant information, including, but not limited to, evidence of past Attacks.
- 2101. If an animal is declared a Vicious Animal, the Peace Officer shall, by Remedial Order, inform the Owner of that animal that:
  - 2102. the animal has been determined to be a Vicious Animal; and,
  - 2103. the animal must be kept in accordance with the Vicious Animal provisions of this Bylaw.
- 2104. In the event that an animal is determined to be a Vicious Animal pursuant to Subsection 2100 herein, the Vicious Animal provisions of this Bylaw shall apply upon the Owner of a Vicious Animal receiving written notice that the animal has been determined to be a Vicious Animal.
- 2105. The Owner of a Vicious Animal shall, within fourteen (14) days of the date of the order declaring the animal to be Vicious, display a sign on his/her premises warning of the presence of the animal in the form illustrated in Schedule "C".
- 2106. This sign shall not be altered, removed or tampered with in any way.

## **22. Vicious Animals – Regulations**

- 2200. Once an animal has been declared a Vicious Animal, the Owner shall ensure the animal is licensed as per Schedule "B". Prior to a licence being issued, the Owner of a Vicious Animal shall within fourteen (14) days after the animal has been declared Vicious, if the animal is in an unaltered state, have the animal neutered or spayed.
- 2201. The Owner of a Vicious Animal shall notify Municipal Enforcement if the animal is Running at Large.

2202. The Owner of a Vicious Animal shall ensure that when such animal is outdoors on the property of the Owner such animal is:
- 2203. in a locked pen or other structure, in order to prevent the escape of the Vicious Animal and capable of preventing the entry of any person not Under Control of the animal; or,
  - 2204. if not in a locked pen or other structure, securely Muzzled, and Under Control of a person over the age of eighteen (18) years by means of a Leash not exceeding one (1) meter in length in a manner that prevents it from chasing, Injuring or Biting other animals or humans as well as preventing damage to a Public Property Area or private property.
2205. The Owner of a Vicious Animal shall ensure that at all times, when off the property of the Owner, such animal is securely:
- 2206. Muzzled;
  - 2207. harnessed or on a Leash which length shall not exceed one (1) meter in a manner that prevents it from chasing, Injuring or Biting other animals or humans as well as preventing damage to a Public Property Area or private property; and,
  - 2208. Under Control of a person over the age of eighteen (18) years.

### **23. Animals Not Permitted**

2300. No person shall keep Livestock in any area of the City of Brooks without prior permission from the Chief Administrative Officer.
2301. Notwithstanding Subsection 2300, the following operations shall be exempt:
- 2302. facilities where Livestock are temporarily housed for educational, veterinary, scientific or civic purposes; and,
  - 2303. Any person that has been issued a Hen Licence under Section 31.

### **24. Animal Control Operations – Seizure**

2400. A Peace Officer may capture and impound any animal:
- 2401. found Running at Large;
  - 2402. for which there is reasonable and probable grounds to believe it has Attacked a person or other animal; or,

2403. which is required to be impounded pursuant to the provisions of any Statute of Canada or of the Province of Alberta, or any Regulation made there under.
2404. A Peace Officer may enter private property without notice while in pursuit of an animal found Running at Large.
2405. A Peace Officer and/or the City is not responsible for any Injury the animal may receive during capture.
2406. A Peace Officer, or the Pound Keeper, may obtain any veterinary treatment for any animal in their custody that, in the opinion of a veterinarian is considered necessary, and the cost of such shall be the responsibility of the Owner and constitute a debt owed to the City.

## **25. Obstruction and Interference**

2500. The Owner of an animal which is being or has been pursued or captured shall not:
- 2501. interfere with or attempt to obstruct a Peace Officer who is attempting to capture or who has captured an animal(s) which is subject to impoundment;
  - 2502. attempt to release an animal(s) that has been captured for impoundment; or,
  - 2503. remove, or attempt to remove any animal from the possession of a Peace Officer.
2504. No person shall:
- 2505. interfere with or attempt to obstruct a Peace Officer who is attempting to capture or who has captured an animal(s) which is subject to impoundment;
  - 2506. with the exception of the Owner; untie, loosen or otherwise free an animal which has been tied or otherwise restrained;
  - 2507. negligently or willfully open a gate, door or other opening in a fence or enclosure in which an animal has been confined and thereby allow an animal to Run at Large in the City; or,
  - 2508. entice an animal to Run at Large.

## **26. Reclaiming**

2600. The Owner of any impounded animal may reclaim the animal by:
- 2601. paying the costs of impoundment as set out in Schedule "B";

- 2602. where a licence is required under this Bylaw, obtaining the licence for such animal; and,
- 2603. paying the costs of veterinarian treatment, if applicable.
- 2604. When the animal is claimed, the Owner shall provide proof of identity prior to release to the satisfaction of the Pound Keeper.
- 2605. Any person who reclaims an animal from the custody of a Peace Officer or the Animal Services Centre shall be conclusively deemed to be the Owner of the animal, and also to have been the Owner at the time the animal was taken into custody.
- 2606. Despite any provision in this Bylaw to the contrary, a Peace Officer or the Pound Keeper may refuse to allow a person to reclaim an animal if there is an application before a court seeking an order for the animal's destruction or to prohibit the person's possession of the animal, or it is reasonable to expect such an application will be made in the immediate future.

## **27. Authority of Pound Keeper**

- 2700. The Pound Keeper may:
  - 2701. impound animals found to be Running at Large or surrendered;
  - 2702. receive animals into protective care pursuant to fire, flood, or other reasons; and,
  - 2703. charge the Owner fees pursuant to Schedule "B" for costs of impoundment.
- 2704. The Pound Keeper may offer for sale, euthanize, or otherwise dispose of all unclaimed animals which have been received.
- 2705. The Pound Keeper shall not sell, euthanize, or otherwise dispose of an impounded animal or Vicious Animal until an animal is retained in the Animal Services Centre for:
  - 2706. ninety-six (96) hours after the Owner has received notice that the animal is in the Animal Services Centre; or,
  - 2707. ninety-six (96) hours, if the name and address of the Owner is not known.
- 2708. The Pound Keeper may retain an animal for a longer period if in the Pound Keeper's opinion the circumstances warrant the expense or he/she has reasonable grounds to believe that the animal is a continued danger to persons, animals or property.
- 2709. The purchaser of an animal from the Pound Keeper pursuant to the

provisions of this Bylaw shall obtain full right and title to it and the right and title of the Former Owner of the animal shall cease thereupon.

2710. Despite any provision in this Bylaw to the contrary, the Pound Keeper, or a Peace Officer, may euthanize any animal in their custody, or cause it to be euthanized, without the consent of its Owner, if it is Injured or ill and, in the opinion of a veterinarian, euthanizing is in the best interests of the animal. The cost of such euthanizing shall be the responsibility of the Owner and constitute a debt owed to the City.

## **28. Offences and Penalties**

2800. If an animal is involved in a contravention of this Bylaw, the Owner of that animal is guilty of an offence.
2801. Every Owner of an animal who contravenes any of the provisions of this Bylaw by:
- 2802. doing any act or thing which the person is prohibited from doing is guilty of an offence; or,
  - 2803. failing to do any act or thing the person is required to do, is guilty of an offence.
2804. Any person who contravenes any provision of the Bylaw is guilty of an offence and is liable upon summary conviction, to a maximum penalty of ten thousand dollars (\$10,000) and a minimum penalty equal to the specified penalty for that offence.
2805. Where a Peace Officer believes on reasonable and probable grounds that a person has contravened any provision of this Bylaw, they may serve upon such person a Violation Tag:
- 2806. either personally on the Owner of the animal or by leaving it for the Owner at their residence with a person on the premises who appears to be at least eighteen (18) years of age or by mail and such service shall be adequate for the purpose of this Bylaw.
2807. A Violation Tag shall be in such form as determined by the City and shall state the Section or Subsection of the Bylaw which was contravened and the amount that will be accepted by the City in lieu of prosecution as set out in Schedule "A".
2808. Upon production of a Violation Tag issued pursuant to Section 28 within fourteen (14) days from the issue thereof together with the payment to the City of the fee as provided, the person to whom the Violation Tag was issued shall not be liable for prosecution for the contravention in respect of which the Violation Tag was issued.
2809. Notwithstanding the provisions of Section 28, a person to whom a Violation Tag has been issued pursuant to this Section may exercise his/her right to defend any charge of committing a contravention of

the provisions of this Bylaw.

2810. The specified penalty payable in respect of a contravention of a provision of this Bylaw is in the amount shown in Schedule "A".
2811. In those cases where a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket.
2812. A Peace Officer is authorized and empowered to immediately issue a Violation Ticket to any person who the Peace Officer has reasonable and probable grounds to believe is responsible for a contravention of this Bylaw.
2813. The person to whom a Violation Ticket is issued may plead guilty by making a voluntary payment in respect to the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket along with an amount equal to the specified penalty as provided in Schedule "A" of this Bylaw. When a clerk of the Provincial Court records receipt of such payment, the act of recording constitutes acceptance of the guilty plea, and also constitutes conviction and imposition of a fine in the amount of the specified penalty.
2814. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which the offence continues and any person guilty of such an offence is liable to a fine in an amount not less than that established in Schedule "A".
2815. The levying and payment of any fine or the imprisonment for any period provided in the Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which he/she is liable under the provisions of this Bylaw.

## **29. Cat Traps**

2900. A person, who has been bothered by a cat Running at Large, may apply to a Peace Officer to receive a cat trap. Only traps approved and distributed by a Peace Officer may be used. Cat traps will not be issued from November 1<sup>st</sup> – February 28<sup>th</sup>, due to the possibility of extreme weather.
2901. Where a cat trap is issued the recipient shall:
  2902. place the cat trap only on the recipient's property located within the City;
  2903. personally check the trap at least once every twelve (12) hours while the trap is set;

- 2904. when a cat is trapped, contact a Peace Officer;
  - 2905. not use the trap, unless permitted by a Peace Officer, when the temperature is +28<sup>0</sup> C or more; and,
  - 2906. pay for the cost of repair or replacement of the cat trap if the issued cat trap is damaged, lost or stolen.
2907. When a cat has been trapped in a cat trap, the recipient shall, for as long as and until a Peace Officer can collect the cat or the cat can be conveyed to the Animal Services Centre:
- 2908. hold the cat, either within the cat trap or not, for no longer than twenty-four (24) hours;
  - 2909. treat the cat humanely;
  - 2910. provide shelter for the cat in a warm, dry and secure area; and,
  - 2911. provide water and food for the cat.
2912. If a recipient cannot comply with the conditions as set above, the recipient must release the trapped cat unharmed. When a cat has been trapped in a cat trap and the Peace Officer can collect the cat, or the cat is conveyed to the Animal Services Centre, the recipient shall provide the Animal Services Center with:
- 2913. the name of the Owner of the cat, if known; and,
  - 2914. the location of the cat trap when the cat was trapped.

### **30. Control and Regulation of Exotic and Wild Animals**

- 3000. No person shall own or harbour any animal, or hybrid of any animal, of the kind listed in Schedule 5 of the *Alberta Wildlife Regulation* for any purpose.
- 3001. No person, partnership or corporation, whether operated separately or in connection with another business enterprise, shall operate a pet store that buys, sells, trades, exhibits or harbours any animal or hybrid of any animal of the kind listed in Schedule 5 of the *Alberta Wildlife Regulation*.
- 3002. Anyone holding a licence under any statute of the Legislature of Alberta or the Government of Canada is permitted to harbour an animal or a hybrid of an animal of the kind listed in Schedule 5 of the *Alberta Wildlife Regulation*.
- 3003. No person shall feed, attempt to feed or deposit food on land that they own or occupy for consumption by Wild Animals in a way that leads to a public safety risk, health risk or nuisance condition; and,

3004. Wild seed eating birds, with the exception of ducks, geese, pigeons, seagulls, magpies, crows and ravens may be fed through freestanding bird feeders or bird feeders attached to a private residence.

**31. Urban Hens**

3100. Any Owner or Occupier of a property shall apply for a Hen Licence prior to the purchase of any Hens.
3101. No person shall keep a Rooster within the City.
3102. No person shall keep a Hen, other than a Hen for which a valid Hen Licence has been issued, within the City.
3103. No person shall sell Hens or Hen products, including eggs or meat, from Hens raised in accordance with this program.
3104. No person shall slaughter Hens within the City, unless the Hen is brought to a butcher shop, which has obtained a business licence from the City.
3105. No person shall keep a Hen in a cage, kennel or any shelter other than a Coop, unless they are actively transporting the Hen.
3106. The City may, at its own discretion, terminate the urban Hen program and shall provide notice to participants regarding the termination.
3107. If a participant in the urban Hen program continuously does not follow the requirements and restrictions of the program, they may have their Hen Licence revoked, at the discretion of the Chief Administrative Officer.
3108. Hen Licences shall only be issued to properties that are single family dwellings with a lot size of at least 503 m<sup>2</sup>.
3109. Applications for a Hen Licence shall be in writing and include the following:
- 3110. The name, address and contact information for the applicant;
  - 3111. Written permission from the Owner if the applicant is not the registered Owner of the property;
  - 3112. The number of Hens the applicant will house, which shall not be more than six (6);
  - 3113. The Premises Identification Number, as issued by the Province of Alberta; and,
  - 3114. Any other information deemed necessary and/or requested by

the City.

3115. A Hen Licence may authorize the applicant to keep Hens subject to the following:
- 3116. Hen Licences are non-transferable from one (1) person to another or one (1) property to another;
  - 3117. The entire rear yard must be fenced and the fence must be constructed in a way to ensure the Hens do not escape the property; and,
  - 3118. Coops and Outdoor Enclosures shall be within the rear yard and at least 1.5m from the property line(s).
3119. Any person who is the Owner of Hens shall:
- 3120. Provide each Hen with at least 0.37 m<sup>2</sup> of floor area inside the Coop and at least 0.92 m<sup>2</sup> within the Outdoor Enclosure;
  - 3121. Secure each Hen within the Coop from sunset to sunrise each day;
  - 3122. Provide each Hen with food, water, shelter, light, ventilation, care, warmth and opportunities for essential behaviours such as scratching, dust-bathing and roosting, to maintain the Hen in good health;
  - 3123. Construct and maintain the Coop to prevent any rodent from harbouring within and/or underneath it;
  - 3124. Maintain the Coop in good repair and sanitary condition;
  - 3125. Remove leftover feed, trash and manure in a timely manner;
  - 3126. Store feed and manure within fully enclosed containers; and,
  - 3127. Follow biosecurity procedures recommended by the Canadian Food Inspection Agency to reduce potential for disease outbreak.
3128. Council may, at its discretion, consider variances to the restrictions and requirements set out in Section 31, having regard to the specific circumstances and merits of each application.

## **32. Remedial Orders**

3200. A Peace Officer is hereby authorized and empowered to issue a Remedial Order to any person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
3201. A Remedial Order written pursuant to this Bylaw may:
- 3202. direct a person to stop doing something, or to change the

way in which the person is doing it;

- 3203. direct a person to take any action or measures necessary to remedy the contravention of this Bylaw, and, if necessary, to prevent a re-occurrence of the contravention;
  - 3204. state a time within which a person must comply with the directions; and,
  - 3205. state that if the person does not comply with the directions within a specified time, the City will take the action or measures at the expense of the person.
3206. A Remedial Order written pursuant to this Bylaw may be served:
- 3207. by physically delivering it to the person; or,
  - 3208. by mail addressed to the person at their apparent place of residence or at any address for the person on the tax roll of the City or at the Land Titles registry. A Remedial Order is deemed to be received seven (7) days after it is mailed.
3209. If, in the opinion of a Peace Officer, service of the Remedial Order cannot be reasonably affected, or if the Peace Officer believes that the Owner of the animal is evading service, the Peace Officer may post the Remedial Order on the private dwelling place of the Owner of the animal, as registered at the Licensing Office and the Remedial Order shall be deemed to be served upon the expiry of three (3) days after the Remedial Order is posted.
3210. Every person who fails to comply with a Remedial Order issued pursuant to this Bylaw within the time set out in the Remedial Order commits an offence.
3211. Where a Remedial Order has been issued, a Peace Officer may cancel, in writing, the order if the Officer believes the order is no longer necessary.

### **33. Notice of Appeal**

3300. A person who has received a Remedial Order may request Council to review Remedial Orders issued in accordance with this Bylaw by written notice of appeal within fourteen (14) days of the date the Remedial Order is received.
3301. Each notice of appeal shall:
- 3302. state with reasonable detail, the grounds of appeal;
  - 3303. state the name, address and interest of the appellant; and,

3304. be dated and signed by the appellant or on their behalf by their agent and, if signed by an agent shall state the name and address of the agent as well as that of the appellant.
3305. When hearing an appeal Council shall:
- 3306. hold a hearing and make a decision within thirty (30) days after receipt of the Notice of Appeal;
  - 3307. ensure that the notice of the hearing is mailed to the appellant at least five (5) days prior to the date of the hearing;
  - 3308. consider each appeal having due regard to the circumstances and merits of the case and to this Bylaw;
  - 3309. not be bound by the rules of evidence applicable to Courts of civil or criminal jurisdiction;
  - 3310. afford to every person concerned the opportunity to be heard, to submit evidence of others; and,
  - 3311. make and keep a written record of its proceeding which shall be in the form of a summary of the evidence presented to Council at the hearing.
3312. In determining an appeal, Council:
- 3313. may confirm, vary, substitute or cancel the Remedial Order; and,
  - 3314. shall render its decision in writing to the appellant within fourteen (14) days from the date of decision.

#### **34. Severability**

3400. Should any provision of this Bylaw be found invalid, the invalid provision shall be severed and the remaining Bylaw shall be maintained.

#### **35. Repeal of Bylaws**

3500. That Bylaw 21/20, 22/13 and 24/23 and all amendments be hereby repealed.

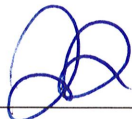
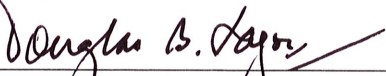
#### **36. Effective Date**

3600. This Bylaw shall take effect at the date of final passing thereof.

Read a first time this 5<sup>th</sup> day of May, 2025.

Read a second time this 3<sup>rd</sup> day of June, 2025.

Read a third time and finally passed this 3<sup>rd</sup> day of June, 2025.

  
D/\_\_\_\_\_  
Mayor  
  
\_\_\_\_\_  
Chief Administrative Officer

**CITY OF BROOKS  
BYLAW NO. 25/07  
SCHEDULE "A"  
PENALTIES**

Offence	Penalties	Second or Subsequent Offence Within One Year	Subsection
Animal barking, howling or making Noise	\$75.00	\$150.00	305
Animal damaging a Public Property Area or private property	\$150.00	\$300.00	306
Harboring more than three (3) dogs over the age of three (3) months	\$375.00	\$750.00	308
Harboring more than four (4) cats over the age of three (3) months	\$375.00	\$750.00	310
Abusing or injuring any animal	\$500.00	\$1,000.00	317
Teasing or annoying any animal	\$300.00	\$600.00	318
Killing any animal	\$600.00	\$1,200.00	319
Failing to ensure that defecation is immediately removed	\$75.00	\$150.00	321
Animal upsetting waste receptacle	\$75.00	\$150.00	322
Unauthorized use of trap	\$150.00	\$300.00	323
Failure to be the holder of a current dog or cat licence:			
- Vicious Animal	\$375.00	\$750.00	400
- Other Animal	\$150.00	\$300.00	400
Licensed dog or cat not wearing licence tag	\$40.00	\$75.00	401
Providing false or misleading information	\$375.00	\$750.00	608
Animal at Large:			
- Vicious Animal	\$750.00	\$1,500.00	1300
- Unlicensed animal	\$150.00	\$300.00	1300
- Licensed animal	\$75.00	\$150.00	1300
Dog off Leash in any Public Property Area that is not designated as off Leash	\$75.00	\$150.00	1400
Dog not Under Control in off Leash area	\$115.00	\$225.00	1402
Not removing/restraining a dog that is not Under Control in off Leash area	\$115.00	\$225.00	1403
Vicious dog in off Leash area	\$375.00	\$750.00	1501
Dog in an area where the presence of dogs is prohibited by a sign	\$150.00	\$300.00	1600
Not providing adequate food/water/Ventilation/space while animal is confined	\$500.00	\$1,000.00	1700 – 1703
Leaving animal unattended without providing adequate shelter/food/water	\$500.00	\$1,000.00	1704
Abandon any animal	\$150.00	\$300.00	1708
Allowing animal to run alongside a Vehicle	\$75.00	\$150.00	1800
Leaving animal unattended inside or outside Vehicle	\$75.00	\$150.00	1801
Animal:			
- Attacking a person	\$750.00	\$1,500.00	2001
- Bites, barks at or chases Livestock, animals, bicycles or Vehicles	\$300.00	\$600.00	2002
- causes Injury, chases or threatens a person	\$300.00	\$600.00	2003
- damage to property	\$300.00	\$600.00	2004
- Attacking, injuring or killing any animal	\$750.00	\$1,500.00	2005
Failing to post property with warning sign(s)	\$150.00	\$300.00	2105
Failing to neuter/spay Vicious Animal within 14 days	\$375.00	\$750.00	2200
Vicious Animal on property of Owner not in secure enclosure or permitted Leash held and controlled by person 18 or over	\$375.00	\$750.00	2202 – 2204
Vicious Animal not the property of Owner not in secure enclosure or wearing a Muzzle and on permitted Leash held and controlled by person 18 or over	\$375.00	\$750.00	2205 – 2208

**CITY OF BROOKS  
BYLAW NO. 22/13  
SCHEDULE "A"**

Offence	Penalties	Second or Subsequent Offence Within One Year	Subsection
Keeping Livestock within the City	\$115.00	\$225.00	2300
Owner of an animal interfering with capture/seizure	\$375.00	\$750.00	2500 - 2503
Interference with enforcement of this Bylaw	\$375.00	\$750.00	2505
Untying, loosening or otherwise freeing an animal without authorization	\$300.00	\$600.00	2506
Willfully opening a gate/door and allowing an animal Run at Large	\$300.00	\$600.00	2507
Enticing an animal to Run at Large	\$300.00	\$600.00	2508
Harbouring any prohibited animal	\$250.00	\$500.00	3000
Operating a pet store that sells or harbours any prohibited animal	\$250.00	\$500.00	3001
Feeding, attempting to feed or depositing food for consumption of Wild Animals	\$150.00	\$300.00	3003
Keeping a Rooster within the City	\$75.00	\$150.00	3101
Keeping Hen(s) without a valid Hen Licence	\$75.00	\$150.00	3102
Selling Hens or Hen products	\$75.00	\$150.00	3103
Slaughtering Hen(s) within the City	\$150.00	\$300.00	3104
Keeping Hen(s) in a shelter other than a Coop	\$75.00	\$150.00	3105
Keeping more Hen(s) than permitted	\$75.00	\$150.00	3112
Not providing adequate food/water/Ventilation/space/warmth to Hen(s)	\$150.00	\$300.00	3120 - 3122
Not maintaining Coop and/or Outdoor Enclosure in good repair and/or a sanitary manner	\$75.00	\$150.00	3123 - 3127
An offence under this Bylaw, for which a penalty is not otherwise provided	\$150.00	\$300.00	

**CITY OF BROOKS  
BYLAW NO. 25/07  
SCHEDULE "B"  
FEES**

1.	Licence for each unaltered dog (one year)	\$60.00
	Licence for each fixed dog (with proof of spay/neuter)	\$20.00
2.	Licence for each unaltered cat	\$15.00
	Licence for each fixed cat (with proof of spay/neuter)	\$10.00
3.	Licence for each Vicious Animal	\$120.00
4.	Late Payment Fee	\$20.00
5.	Replacement Licence tag	\$5.00
6.	Impoundment fees	\$20.00 / day
7.	Veterinary fees (medical)	As expended
8.	Fancier's Licence	\$62.50

CITY OF BROOKS  
BYLAW NO. 25/07  
SCHEDULE "C"  
SAMPLE VICIOUS ANIMAL SIGN



# CITY OF BROOKS BYLAW NO. 25/07 SCHEDULE "D" MAP – DOG OFF LEASH AREAS



Land	
	Residential
	Commercial
	Industrial
	Green Space

Parks & Pathways	
	Duke of Sutherland Park
	Fairview Park
	Lake Sutherland Park
	Brooks Dog Park
	Pathways
	Evergreen Park
	385 Canada Park
	West End Park
	Off-Leash Area

City Amenities	
	Brooks & District Museum
	Baseball Diamonds
	Central Regional Arena
	City Hall
	Fire Hall
	Grasslands Public Schools
	385 Canada Centre
	Public Works & Parks
	Recycling Depot
	Skateboard Park
	Brooks Public Library
	Cemetery
	Christ the Redeemer School
	Ecole La Rousseau School
	Golf Course
	Hospital
	Kinmen Racetrack
	RCPD Station
	Silver Sage Community Centre
	Water Park

