

**TOWN OF LAMONT
BYLAW 13/23**



**BEING A BYLAW OF THE TOWN OF LAMONT IN THE PROVINCE OF ALBERTA,
TO PROVIDE FOR THE LICENSING, REGULATING AND CONFINEMENT OF
DOGS, CATS AND DOMESTIC PETS WITHIN THE TOWN OF LAMONT.**

WHEREAS under provisions of the Municipal Government Act, being chapter M-26, Section 145 of the RSA 2000 or thereof amended, Council may pass bylaws for the purpose of controlling animals within the Town of Lamont.

NOW THEREFORE the Council of the Town of Lamont, hereby enacts as follows:

1. BYLAW TITLE

1.1 This Bylaw is known as "Animal Control Bylaw".

2. DEFINITIONS

2.1 For the purposes of this Bylaw:

- a. "Act" means the *Municipal Government Act* RSA 2000, c.M-26.
- b. "Animal Control Officer" means any person or persons, including the Bylaw Enforcement Officer, authorized by the Town to enforce any provisions of this Bylaw;
- c. "Animal Shelter" means the premises for impounding and caring for captured dogs;
- d. "Controlled Confinement" means the confinement of an animal in a pen, cage or building or securely tethered in a manner that will not allow the animal to bite, harm or harass any person or animal;
- e. "Damage to Property" means damage to property other than the owner's property or permitted property, and includes defecating or urinating on such property;
- f. "Domestic Animal" means an animal which is normally kept inside a dwelling. Domestic Animal includes cats, parrots, and other similar-sized animals, but does not include livestock or poultry.
- g. "Dwelling Unit" means a self-contained living premises with cooking, eating, living, sleeping and sanitary facilities for domestic use of one or more individuals;
- h. "Guard Dog" means a dog trained to patrol privately owned property, whether to not accompanied by its owner, for the purpose of protecting the property;

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- i. "Guide Dog" means a dog trained as a guide for a blind person and identified on an identification card issued by the Canadian national Institute for the Blind;
- j. "Kennel" means any place owned by any person, group of persons, or corporation engaged in the commercial business of breeding, buying, selling or boarding animals of any kind;
- k. "Owner" means any person owning, possessing or having the charge or control over a domestic animal or dog. A domestic animal or dog may have more than one (1) owner;
- l. "Owner's Property" means any property in which the owner of an animal has a legal interest or has been given control or use of the property by the legal owner;
- m. "Permitted Leash" means a leash no longer than two meters and adequate to restrain the attached dog;
- n. "Permitted Property" means private property where the owner of a dog has the express permission to allow the dog to be on;
- o. "Public Property Area" means all property owned by or under the control and management of the Town and located within the Town limits;
- p. "Running/Run at Large" means where a dog is at any place other than the owner's property or permitted property and is not being carried, restrained by a permitted leash or if it is difficult for a person to restrain the dog with a permitted leash. The phrase "running at large" shall be synonymous with "at large";
- q. "Secure and Locked Pen" means an enclosure with a secure top and sides and if it has no bottom secured to the sides, the sides must be embedded in the ground to a minimum depth of thirty-five (35) centimeters;
- r. "Serious Wound" means an injury resulting from a dog bite, which causes the skin to be broken, or the flesh to be torn;
- s. "Support Dog" means a dog trained to perform quantifiable tasks that directly ease the challenges associated with their owner's physical, psychiatric, sensory, emotional, and/or developmental disability.
- t. "Tranquilizer Gun" means a pistol of Kap-Chur or similar manufacture capable of propelling a dart containing a drug approved by a qualified veterinary surgeon; and

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- u. "Vicious Dog" means any dog which:
 - i. shows a propensity, disposition or potential to attack or injure, without provocation, humans or other animals;
 - ii. is a continuing threat of serious harm to humans or other animals;
 - iii. without provocation, chases any person in a threatening manner;
 - iv. has inflicted a serious wound upon a human or another animal without provocation;
 - v. is deemed to be dangerous by a Justice under the provisions of the *Dangerous Dogs Act* RSA 2000, Chapter D-3 and amendments thereto;
 - vi. is owned or harbored for the purpose of dog fighting;
 - vii. is a guard dog.

3. LICENSING REQUIREMENTS

- 3.1 No person shall own, keep or harbor any dog over the age of six (6) months unless the dog is licensed.
- 3.2 The owner of every dog shall obtain a dog license by purchasing a yearly license by February 28 of each year or by purchasing a lifetime license. If a yearly license is not purchased by February 28 penalties will apply as per Schedule "A".
- 3.3 Where a dog is deemed to be a vicious dog, the owner shall be required to obtain a vicious dog license.
- 3.4 After February 28, the owner of a dog must obtain a license within 15 days of obtaining possession of a dog or moving into Town.
- 3.5 If a dog is obtained or moved into Town after October 1 of the current year, the yearly license fee will be pro-rated.
- 3.6 An owner of any unlicensed dog over the age of six (6) months is guilty of an offence.
- 3.7 In any prosecution or proceeding for a contravention of Section 3.1, the burden of proof as to the age of the dog or that person charged is not the owner of the dog shall rest upon the person charged.

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- 6.2 If a dog is deemed to be a vicious dog, the owner will be supplied with a vicious dog license tag.
- 6.3 The license tag or vicious dog license tag is to be securely fastened to a choke chain, collar or harness and worn by the dog at all times that the dog is not on the owner's property or permitted property.
- 6.4 If it is not possible to securely fasten the license tag to a dog, the owner shall carry the tag with him.
- 6.5 The owner may replace a license tag that has been lost upon payment of the license tag replacement fee as set out in Schedule A.
- 6.6 An owner of a licensed dog is guilty of an offence if the dog is not wearing or the owner is not carrying a license tag as required under Sections 6.3 and 6.4.

7. LICENSING - VICIOUS DOGS

- 7.1 If a dog is deemed to be a vicious dog, the owner of the dog shall have the dog tattooed, to the satisfaction of the animal control officer, identifying the dog as being a vicious dog.
- 7.2 As a condition of obtaining a vicious dog license, the owner shall provide proof of insurance providing third party liability coverage in the minimum amount of \$1,000,000.00.
- 7.3 The liability policy shall contain a provision requiring the issuer to immediately notify the Town in writing should the policy expire, be cancelled or terminated.
- 7.4 Upon cancellation, expiry or termination of the liability policy, the vicious dog license is null and void.
- 7.5 An owner of a vicious dog that is not tattooed is guilty of an offence.
- 7.6 An owner of a vicious dog who does not have liability insurance is guilty of an offence.
- 7.7 Sections 3.1 to 7.6, shall not apply to the following:
 - i. persons temporarily in the Town for a period exceeding four (4) weeks;
 - ii. holders of a valid development permit, issued pursuant to the land use bylaw, authorizing the operation of a kennel;

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- iii. blind persons holding an identification card providing ownership of a guide dog for their use;
- iv. person with a disability holding an identification card providing ownership of a support dog for their use;
- v. persons caring for a dog for a period of no longer than thirty (30) days, once per year, where the owner of the dog resides outside the Town.

8. DOGS

- 8.1 No dog shall run at large.
- 8.2 No dog shall bark or howl or make any other noise thereby disturbing the quiet or repose of any person.
- 8.3 No dog shall cause damage to property other than the owner's property or permitted property.
- 8.4 No dog shall:
 - i. bite, attack, threaten, harass, bark at, chase, kill or injure any person;
 - ii. bite, attack, threaten, harass, bark at, chase, kill or injure any other animal belonging to other persons; or
 - iii. bite, bark at, or chase any vehicle.
- 8.5 The owner of a dog is guilty of an offence if his dog is in contravention of Section 8.1 to 8.4.
- 8.6 Despite Section 8.6, an owner is not guilty of an offence if his dog threatens, chases, attacks or bites:
 - i. a trespasser on the property where its owner resides, or in the case of a guard dog, a trespasser on the property being patrolled by the dog; or
 - ii. a person who is physically abusing or teasing the dog.

- 8.7 Town Council may designate areas where dogs are prohibited.
- 8.8 An owner whose dog is in a prohibited area is guilty of an offence regardless of whether or not such dog is at large.
- 8.9 Town Council may, by resolution, designate off leash areas.

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9. OWNERS

- 9.1 A dwelling unit shall not house more than three (3) dogs older than 6 months at any one time.
- 9.2 If a dog defecates on property other than the owner's property or permitted property, the owner shall cause such defecation to be removed immediately and disposed of in a sanitary manner.
- 9.3 Section 9.2 does not apply to a blind owner of a guide dog, or a blind person being assisted by a guide dog.
- 9.4 The owner of any property where a dog is allowed to be shall maintain the property in a clean, sanitary and inoffensive condition at all times.
- 9.5 An owner of a female dog shall keep it housed and confined in a building or kennel during the entire period such female dog is in heat except that the female dog may be allowed outside any such building or kennel for a reasonable period for the sole purpose of defecation on the owner's property or permitted property.
- 9.6 The owner of a dog shall notify the animal control officer when his dog has inflicted a serious wound on a person.
- 9.7 The occupant of a dwelling unit that houses more than three (3) dogs over the age of six (6) months is guilty of an offence.
- 9.8 The owner of a dog that contravenes sections 9.2, 9.4, 9.6 is guilty of an offence.

10. VICIOUS DOGS

- 10.1 The owner of a vicious dog shall not allow the vicious dog to be on any public property, unless the vicious dog is:
 - i. muzzled;
 - ii. on a permitted leash; and
 - iii. under the effective control of the owner or someone over the age of sixteen (16) years acting with the authority of the owner.

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- 10.2 Section 10.1(i) and 10.1(ii) do not apply where the vicious dog is confined within a secure and locked pen, or in a building or enclosure in attendance at a bona fide dog show.
- 10.3 At all times while a vicious dog is on the owner's property or permitted property, the owner shall:
- i. keep the dog confined indoors, or, confined in a secure and locked pen capable of preventing the entry of young children; or
 - ii. shall not allow the dog to be outdoors or out of a secure and locked pen unless the dog is on a permitted leash and under the effective control of the owner or someone over the age of sixteen (16) years acting with the authority of the owner.
- 10.4 Section 10.3 shall not apply in the case where a guard dog is actively engaged in patrolling privately owned, non-residential property.
- 10.5 Where a dog is deemed to be a vicious dog, the owner of such dog shall:
- i. post signs on his or her premises altering the public that a vicious dog is located on said premises;
 - ii. not breed or sell such dog within the town; and
 - iii. notify the animal control officer should the dog become at large.
- 10.6 The owner is guilty of an offence if he or the dog is in contravention of Sections 10.1 to 10.5.
- 10.7 When the animal control officer determines that a dog is a vicious dog, he shall in writing:
- i. inform the owner that the dog has been determined to be a vicious dog;
 - ii. require the owner to keep the dog in accordance with this bylaw respecting vicious dogs;
 - iii. inform the owner that, if the dog is not kept in accordance with the provisions of this bylaw, the owner will be fined, or subject to enforcement action pursuant to this bylaw.

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11. CONTROL OF DOMESTIC ANIMALS

- 11.1 No dwelling unit is permitted to own or keep more than two (2) domestic animals.
- 11.2 Any person keeping birds or rabbits shall keep them in one or more secure and locked pens and kept in a clean and sanitary condition. The pens may not be closer than one and one half (1 1/2) meters from the nearest property boundary, if outside.
- 11.3 Any person keeping snakes pursuant to this part shall keep the same in one or more secure enclosures.
- 11.4 No cat shall run at large.
- 11.5 The owner of a domestic animal is guilty of an offence if he is in contravention of Sections 11.1 to 11.4.

12. GENERAL PUBLIC

- 12.1 No person shall tease, torment, annoy, abuse or injure any animal.
- 12.2 No person shall untie, loosen or otherwise free an animal, which is not in distress unless the person has the owner's permission.
- 12.3 No person shall interfere with, hinder or impede and animal control officer in the performance of any duty authorized by this bylaw.
- 12.4 Any person who has received a serious wound from an animal shall notify the animal control officer.
- 12.5 Any person in contravention of Sections 12.1 to 12.4 is guilty of an offence.

13. POWERS OF ANIMAL CONTROL OFFICERS/BYLAW ENFORCEMENT OFFICERS

- 13.1 The animal control officer is authorized to order any person to comply with any section of this bylaw.
- 13.2 An animal control officer is authorized to capture and impound in the animal shelter, any dog that is at large.
- 13.3 The animal control officer is authorized to take such reasonable measures as are necessary to subdue any dog which is at large, including the use of tranquillizer equipment and materials. If any such dog is injured, it may be taken to a veterinarian for treatment.

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- 13.4 If a vicious dog is not being kept in accordance with this bylaw, the animal control officer is authorized to:
- i. make a complaint pursuant to the *Dangerous Dogs Act* RSA 2000, Chapter D-3 for an order/direction that such dog be controlled or destroyed;
 - ii. make an application pursuant to the *Municipal Government Act* RSA 2000, Chapter M-26 for an order directing that such dog be controlled in accordance with this bylaw or be removed from the Town.
- 13.5 The animal control officer is authorized to place any animal under controlled confinement.
- 13.6 An animal control officer is authorized to investigate any complaints arising from the keeping of domestic animals.
- 13.7 Where the animal control officer determines that:
- i. birds, rabbits, or snakes are not being kept in accordance with this bylaw;
 - ii. the said birds or rabbits have caused damage to the property of another person;
- the animal control officer may order the owner of said birds, rabbits or snakes to comply with this bylaw or to restrain, dispose of, or destroy the animal.
- 13.8 Any person who failed to comply with an order of the animal control officer is guilty of an offence.

14. IMPOUNDMENT

- 14.1 An impounded dog may be kept in the animal shelter for a period of no more than seventy two (72) hours. Sundays and statutory holidays shall not be included in the calculation of the seventy two (72) hour period.
- 14.2 During the seventy-two (72) hour period, any dog may be redeemed by its owner, except as otherwise provided in this bylaw, upon payment to the Town or its authorized agent of:
- i. the appropriate impoundment fee as set out in Schedule A;
 - ii. the appropriate license fee when the dog is not licensed; and
 - iii. the cost of any veterinary treatment that is incurred.

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- 14.3 Any dog that is impounded on a subsequent offence within sixty (60) days may be redeemed by its owner, upon payment to the Town, of:
- i. the appropriate penalty as set out in Schedule "A";
 - ii. the appropriate impoundment fee as set out in Schedule A; and
 - iii. the cost of any veterinary treatment that is incurred.
- 14.4 The Town reserves the right to deny redemption of a dog upon three (3) or more impoundments within a sixty (60) day period.
- 14.5 If no license has been issued for the dog, or the conditions of the license have not been met, the animal control officer is not obliged to release the dog.
- 14.6 At the expiration of the seventy-two (72) hour period, the animal control officer is authorized to:
- i. offer the dog for sale, or for gift;
 - ii. destroy the dog in a humane manner;
 - iii. take the dog to an animal humane society or equivalent;
 - iv. allow the dog to be redeemed by its owner in accordance with section 14.2;
 - v. continue to impound the dog for any further period of time that the animal control officer decides.
- 14.7 The animal control officer shall report any apparent illness, communicable disease, injury or unhealthy condition of any impounded dog to a veterinarian and act immediately upon the veterinarian's recommendations.
- 14.8 No dog that a veterinarian determines should be destroyed can be redeemed.
- 14.9 No action for damages shall be taken against any person acting under the authority of this bylaw for destruction or disposal of a dog or domestic animal.

15. QUARANTINE

- 15.1 Any person who has received a serious wound and the owner of the dog who has inflicted the serious wound shall promptly report the dog to the animal control officer.
- 15.2 Upon demand by the animal control officer, an owner shall surrender for quarantine, a dog that has inflicted a serious wound or any animal that the

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animal control officer has reasonable and probably grounds to suspect of having been exposed to rabies.

- 15.3 No animal quarantined under section 81 shall be released except by written permission of a veterinarian.
- 15.4 The animal may be reclaimed by the owner if determined to be free of rabies and upon payment of confinement expenses and upon compliance with the licensing provisions if so required.
- 15.5 In the event of an outbreak or a threatened outbreak of rabies or any disease affecting any animal and which may be transmitted to human beings, Council may, by resolution, order and direct that all animals shall be kept securely tied up or shall be otherwise effectively confined.
- 15.6 Any animal found in contravention of section 15.5 may be impounded.
- 15.7 Any owner who fails to surrender an animal that has inflicted a serious wound or is suspected of being exposed to rabies is guilty of an offence.

16. RABIES

- 16.1 Any animal diagnosed as rabid or any animal bitten by an animal diagnosed as rabid shall be destroyed or treated by a veterinarian.
- 16.2 When an animal diagnosed as rabid or suspected of being rabid dies while under quarantine, the animal control officer shall immediately send the animal to the appropriate health department for pathological examination and shall notify the Public Health Officer of human contacts and the diagnosis made of the suspected animal.
- 16.3 Except as provided in any other legislation, no person other than the animal control officer or a veterinarian shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies, or any animal which has bitten a human.
- 16.4 No person shall remove any animal that is rabid or suspected of being rabid or has bitten a human from Town limits without permission from the animal control officer.
- 16.5 The carcass of any dead animal exposed to rabies shall be surrendered to the animal control officer upon demand.
- 16.6 Any person in contravention of sections 16.2 to 16.4 is guilty of an offence.

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- 16.7 The animal control officer or a veterinarian shall direct the disposition of any animal found to be infected with rabies.

17. PENALTIES

- 17.1 Any person who contravenes any provision of this bylaw is guilty of an offence and is liable to a penalty as set out in Schedule A.
- 17.2 Despite Section 17.1, any person who commits a second offence or subsequent offence under this bylaw within (1) year of committing the first offence is liable to a penalty as set out in Schedule A.
- 17.3 Under no circumstance shall any person contravening any provision of this bylaw be subject to the penalty of imprisonment.
- 17.4 Where there has been a breach of this bylaw, an Animal Control Officer is authorized and empowered to issue a Violation Ticket pursuant to the Provincial Offences Procedure Act, R.S.A. 2000, c.P-34, as amended.
- 17.5 Nothing in this Bylaw precludes an Animal Control Officer from laying charges under alternate legislation including, but not limited to, the *dangerous Dogs Act*, R.S.A. 2000, c. D-3 and the *Animal Protection Act* R.S.A. 2000, c. A-41.
- 17.6 Charges, conditions, or rulings under Provincial legislation including, but not limited to, the *Dangerous Dogs Act*, R.S.A. 2000 and the *Animal Protection Act* R.S.A. 2000 shall overrule similar sections of this Bylaw.
- 17.7 Any changes to the penalties in Schedule "A" can be passed by a resolution of Council.

18. GENERAL

- 18.1 This Bylaw shall not apply to animals kept at any veterinary clinic or being securely transported within a motor vehicle to or from a veterinary clinic.
- 18.2 Should any section of this Bylaw be deemed invalid, then the section is severed, and the remaining Bylaw shall be maintained.
- 18.3 An applicant is responsible for and is not excused from ascertaining and complying with the requirements of any federal, provincial, or other municipal legislation, including the municipality's land use Bylaw. Where the keeping of

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the animals would not comply with any federal, provincial, or other municipal legislation, the animal control officer may refuse to issue a license.

18.4 Bylaw 04/23 is hereby repealed.

18.5 This Bylaw shall apply despite the presence of the animal in the municipality prior to the date of third reading.

18.6 That this Bylaw shall remain in force from the time of passing until amended or repealed.

19. EFFECTIVE DATE

19.1 That this Bylaw shall come into force and take effect upon the date of third reading and is duly signed.

READ A FIRST TIME THIS 28th DAY OF NOVEMBER, 2023.

READ A SECOND TIME THIS 28th DAY OF NOVEMBER, 2023.

READ A THIRD TIME AND PASSED THIS 28th DAY OF NOVEMBER, 2023.



Mayor



Chief Administrative Officer

November 28, 2023
Date signed

Bylaw 04/23 Schedule "A"

SECTION	LICENSE FEE	FEE/LATE PENALTY
3.2	Dog License - Jan 1 - Feb 28	As per Fees & Charges Bylaw
3.2	Dog License - Mar 1 - June 30	Orig. Fee plus 25% late penalty
3.2	Dog License - July 1 - Sept 30	Orig. Fee plus 50% late penalty
3.2	Dog License - Oct 1 - Dec 31	Orig. Fee plus 75% late penalty
3.3	Vicious Dog License	\$100.00
SECTION	OFFENCE	PENALTY
3.5	Failure to obtain a dog license	\$100.00
3.5	Failure to obtain a vicious dog license	\$500.00
4.4	Providing false or misleading information about a dog for licensing purposes	\$100.00
6.6	Failure to ensure that a collar and license tag are worn when a dog is off the owners property or permitted property	\$100.00
	Failure to ensure that a collar and license tag are worn when a vicious dog is off the owners property or permitted property	\$150.00
7.5	Failure of an owner to have a vicious dog tattooed	\$100.00
7.6	Failure to produce proof of and maintaining a valid and subsisting liability insurance policy as required for a vicious dog license	\$250.00
8.1	Permitting a dog to be at large	\$100.00
	Permitting a vicious dog to be at large	\$750.00
8.2	Permitting a dog to bark or howl	\$150.00
8.3	Permitting a dog to damage a public property area or private property other than the owner's property or permitted property	\$250.00
8.4	If a dog bites or attacks a person or animal causing injury	\$500.00
	If a vicious dog bites or attacks a person or animal causing injury	\$1,500.00
8.7	Permitting a dog to be in an area where the presence of dogs is prohibited	\$100.00
9.1	Harboring more than three (3) dogs per dwelling unit	\$200.00
9.2	Failure to remove a dog's defecation from property other than the owner's property or permitted property	\$100.00
9.4	Failure to keep property in a clean, sanitary and inoffensive condition.	\$30.00/day
9.5	Failure to confine and house a female dog in heat	\$500.00
9.6	Failure to advise the authorities where a dog has inflicted a serious wound	\$100.00
10.1	Failure to muzzle or otherwise secure a vicious dog when off the premises of the Owner	\$1,000.00
10.3	Failure to confine a vicious dog when on the premises of the owner	\$500.00
10.5	Failure to post warning signs of a vicious dog on the premises	\$500.00

	Breeding or selling a vicious dog within the municipality	\$100.00
	Failure to advise authorities if a vicious dog becomes at large	\$500.00
11.1	Keeping any domestic animal contrary to this bylaw	\$30.00/day
	Keeping a greater number of domestic animals than permitted	\$30.00/day
11.4	Failure to confine domestic animals	\$100.00
12.1	Abusing, teasing, injuring an animal	\$200.00
12.2	Freeing an animal not in distress without the owner's permission	\$100.00 plus any related costs
12.3	Interference with the enforcement of this bylaw	\$100.00
12.4	Failure to report that a person has received a serious wound	\$100.00
13.8	Refusal of any person to comply with an order of an animal control officer	\$100.00
14.2	Impoundment fee	As determined by the operator of the facility
14.3	Removal of dog from animal shelter - subsequent offence within 60 days	\$400.00
16.1	Failure of an owner to surrender an animal that has inflicted a serious wound or is suspected of being exposed to rabies	\$250.00
16.2	Failure to surrender the carcass of a dead animal exposed to rabies	\$100.00
16.3	Killing a rabid animal or an animal who has bitten a human	\$100.00
16.4	Removing a rabid animal or an animal who has bitten a human from Town limits	\$100.00
17.1	Second or subsequent offence within one (1) year	Double the amount of fine for first offence
	Any offence under this Bylaw for which a penalty is not otherwise provided	\$100.00