

TOWN OF THREE HILLS

BYLAW NO. 1474-21

ANIMAL CONTROL BYLAW

BEING A BYLAW OF THE TOWN OF THREE HILLS TO REGULATE THE KEEPING OF ANIMALS WITHIN ITS CORPORATE LIMITS.

WHEREAS the Council of the Town of Three Hills supports responsible pet ownership within the Town and will support and enforce that all Owners are caring for and controlling their Animals within the Town;

AND WHEREAS pursuant to the *Municipal Government Act*, RSA 2000, c. M-26, as amended, a municipality may pass bylaws respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS pursuant to the *Municipal Government Act*, RSA 2000, c. M-26, as amended, a municipality may pass bylaws respecting wild and domestic Animals and activities in relation to them;

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

PART I: TITLE, DEFINITIONS & INTERPRETATIONS

1. SHORT TITLE

1.1. This Bylaw shall be cited as “Animal Control Bylaw”.

2. DEFINITIONS

2.1. In this bylaw, unless the context otherwise requires:

2.1.1. “Altered” shall mean spayed or neutered.

2.1.2. “Animal” shall mean any bird, reptile, amphibian or mammal excluding humans and wildlife.

2.1.3. “Animal Control Officer” shall mean any member of the Royal Canadian Mounted Police, Community Peace Officer, Bylaw Enforcement Officer or designate; including but not limited to, a Person hired or contracted by the Town to enforce the provisions of this bylaw.

2.1.4. “Animal Shelter” shall mean any facility designated by the Town for the temporary accommodation and care or impoundment of Animals and includes Premises supplied by an independent contractor.

2.1.5. “At Large” shall mean:

- i. An Animal that is not under the control of the Owner and not on a Leash held by the Owner and is actually upon property other than the property in respect of which the Owner of the Animal has the right of occupation, or upon any highway, street, laneway, boulevard, sidewalk, park, playground, public walking path, school ground or other public place; or

- ii. An Animal which is ostensibly under the control of the Owner and which yet causes damage to property or other Animals.
- 2.1.6. “CAO” shall mean the Chief Administrative Officer for the Town of Three Hills or his designate.
 - 2.1.7. “Communicable Disease” shall mean a disease that affects Animals and may be transmitted to human being and/or other Animals.
 - 2.1.8. “Competent Person” shall mean a Person who is physically and mentally capable of restraining and controlling an Animal to an extent that the Animal cannot interfere with other Persons, Animals, or damage property.
 - 2.1.9. “Council” shall mean the body of elected representatives that govern the Town.
 - 2.1.10. “Dangerous Dog” shall mean a Dog that the courts declare to be dangerous under the *Dangerous Dogs Act*, RSA 2000, c. D-3, as amended.
 - 2.1.11. “Domesticated Animal” shall mean an Animal kept as a pet, but does not include a Dog, Cat, Fowl, Livestock and Wildlife.
 - 2.1.12. “Fowl” shall mean a creature with feathers, including all poultry. This does not include small pet birds.
 - 2.1.13. “Impound” shall mean to retain in a place designated by Council.
 - 2.1.14. “Kennel” shall mean a Premises where Animals are bred, trained, or boarded overnight for a period of greater than twenty-four (24) hours, in accordance with the Land Use Bylaw.
 - 2.1.15. “Land Use Bylaw” shall refer to the Town’s Land Use Bylaw, as amended.
 - 2.1.16. “License” shall mean an Animal license issued by the Town in accordance with the provisions of this Bylaw.
 - 2.1.17. “License Tag” shall mean an identification tag issued by the Town showing the license number of a specific Animal.
 - 2.1.18. “Livestock” shall mean:
 - i. a horse, ass, mule, swine, emu, ostrich, camel, llama, alpaca, sheep, or goat;
 - ii. domestically reared or kept deer, reindeer, moose, elk, or bison;
 - iii. farm bred fur bearing animals including foxes or mink;
 - iv. a member of the bovine species;
 - v. a member of the avian species, including chickens, turkeys, ducks, geese, or pheasants; and
 - vi. all other animals that are kept for agricultural purposes.
 - 2.1.19. “Master Rates, Fees and Charges Bylaw” shall refer to the Town’s Master Rates, Fees and Charges Bylaw as amended.
 - 2.1.20. “Municipal Ticket” shall mean a written notice, in a form approved by the CAO, issued by an Animal Control Officer, to advise a Person that a violation of this Bylaw has occurred and that, by payment of a specified amount for the offence within a set

time period, that Person will avoid prosecution for the offence.

- 2.1.21. “Muzzle” shall mean a device of sufficient strength placed over an Animal’s mouth to prevent it from biting.
- 2.1.22. “Notice” shall mean written or verbal communication.
- 2.1.23. “Owner” or “Ownership” shall mean any Person:
- i. to whom an Animal is licensed pursuant to this bylaw;
 - ii. who has legal title to the Animal;
 - iii. who has permanent possession, custody, and financial responsibility of an Animal;
 - iv. who temporarily has found or trapped an Animal and has taken control of it for the purposes of locating its Owner and/or turning it over to a pound, Animal Shelter or Animal Control Officer;
 - v. who harbors the Animal, or allows the Animal to remain on his/her Premises;
 - vi. For the purposes of this Bylaw, an Animal may have more than one Owner, any or all who may be charged under this Bylaw.
- 2.1.24. “Premises Identification (PID) Program” was established to plan for, control, and prevent the spread of animal diseases.
- 2.1.25. “Secure Enclosure” shall mean a building, cage or fenced area of such construction that will not allow the Animal to jump, climb, dig or force its way out, and is capable of being locked.
- 2.1.26. “Service Dog and Guide Dog” shall mean a service/guide dog as defined in the *Service Dogs Act*, RSA 2007, c. S-7.5 and *The Blind Persons’ Act*, RSA 2000c. B 3, as amended.
- 2.1.27. “Strict Liability Offences” shall mean liability that is set upon the defendant without need to prove intent, negligence or fault, as long as it can be proven that it was the defendants’ object that caused the damage.
- 2.1.28. “Town” shall mean the Town of Three Hills.
- 2.1.29. “Vicious Animal” shall mean any Animal, whether on public or private property, that:
- i. has, without provocation, chased, attacked, or bitten any Person or Animal, causing physical injury and resulting in a conviction under this Bylaw; or
 - ii. has, without provocation, chased, attacked or bitten any Person or Animal on more than one occasion, with or without causing physical injury, and resulting in separate convictions under this Bylaw; or
 - iii. has threatened creates a threat to any Person or other domestic Animal; or
 - iv. has been declared by a court to be a Vicious Animal, or declared, pursuant to a bylaw of another municipal jurisdiction, to be a Vicious Animal; or
 - v. has been made subject to an order under the *Dangerous Dogs Act*, RSA 2000,

c. D-3, as amended.

2.1.30. “Violation Ticket” shall mean a ticket issued pursuant to Part 2 of the *Provincial Offences Procedures Act*, RSA 2000, c. P-34, as amended, and any regulations thereunder.

2.1.31. “Wildlife” shall mean wildlife as defined by the *Wildlife Act*, RSA 2000, W-10, as amended.

3. **INTERPRETATION**

3.1. The provisions of this Bylaw shall apply to any Animal, as specified by this bylaw.

3.2. In the event of any proceedings under this Bylaw, whether it is the impounding of any Animal or the commencement of any proceedings by way of summons, the burden of establishing Ownership and whether any Animal is under the control of a Competent Person shall be upon the Owner.

3.3. The headings in this Bylaw are for reference purposes only.

3.4. Where any provision of this Bylaw conflicts with any Provincial or Federal legislation, the Provincial or Federal legislation shall take precedence.

PART II: SPECIFIC PROHIBITIONS

4. No Person will have possession of or keep Wildlife within the Town.

5. No Person will have possession of or keep any of the following within the Town:

5.1. Livestock;

5.2. pot-bellied pigs;

5.3. poultry (excluding chickens) or Fowl;

5.4. bees;

5.5. species deemed to be dangerous or infectious by a medical officer of health or veterinarian.

6. Notwithstanding Sections 4 and 5, Livestock may be kept temporarily within the following locations:

6.1. veterinary clinics or animal hospitals;

6.2. exhibition grounds; or

6.3. those areas of the Town which are classified as agricultural in compliance with the Land Use Bylaw.

PART III: LICENSING OF ANIMALS

7. **REQUIREMENTS OF LICENSES**

7.1. Every resident of the Town who is the Owner of a Dog or Cat shall annually purchase a License from the Town for each Dog or Cat owned as per the Master Rates, Fees & Charges

Bylaw:

- 7.1.1. on or before January 31 of the current license year; or
 - 7.1.2. within thirty (30) days following the Dog or Cat having attained three (3) months of age; or
 - 7.1.3. within thirty (30) days after acquiring possession of the Dog or Cat; or
 - 7.1.4. within thirty (30) days after establishing residence in the Town; whichever date is the latter.
- 7.2. A License shall be valid from January 1 to December 31 regardless of the actual date upon which the License was purchased.
- 7.3. Before the issuance or renewal of a License, the Owner must submit to the Town:
- 7.3.1. a completed written application in the form specified by the Town;
 - 7.3.2. the license fee as established by the Master Rates, Fees and Charges Bylaw;
 - 7.3.3. proof of the Dog or Cat being Altered, if applicable; and
 - 7.3.4. any additional information required by the CAO.
- 7.4. Where a License is required and has been paid for by the tender of an uncertified cheque, the License is automatically revoked if the cheque is not accepted by the bank on which it was issued.
- 7.5. No Person shall be entitled to a License rebate or refund under this Bylaw.
- 7.6. Every Owner named on a Town Dog or Cat License shall be at least eighteen (18) years of age.
- 7.7. An Animal left in the care of a Person for a period of thirty (30) consecutive days or more shall be deemed to belong to that Person and that Person shall be responsible for all provisions of this Bylaw as the Owner of the Animal.
- 7.8. Any Owner of an Animal which is not licensed, and which is required to be licensed pursuant to this Bylaw, is guilty of an offence.
- 7.9. Any Person who provides the Town with false or misleading information with respect to the information required in accordance with this Bylaw is guilty of an offence as per the Master Rates, Fees and Charges Bylaw.

8. NON-RESIDENT ANIMALS

- 8.1. Licensing provisions of this Bylaw shall not apply to a Dog or Cat accompanying a Person temporarily in the Town on business or vacation for a period:
- 8.1.1. not exceeding thirty (30) days; or
 - 8.1.2. not exceeding ninety (90) days in a calendar year if the Dog or Cat is licensed in another municipality; however, the Owner must provide the Town with:
 - i. satisfactory proof of licensing in another municipality; and

- ii. record of the Dog or Cats basic information, reason, place and length of stay;
- 8.1.3. not exceeding ninety (90) days in a calendar year if the Dog or Cat permanently resides in another municipality that does not require licensing of Dogs and Cats:
 - i. satisfactory proof of non-licensing requirement in another municipality; and
 - ii. record of the Dog or Cats basic information, reason, place and length of stay.

8.2. The CAO may authorize in writing an extended period of time.

9. EXEMPTIONS

9.1. Annual licensing fees shall be waived for the following:

- 9.1.1. a Registered Guide Dog; and
- 9.1.2. a Registered Service Dog.

9.2. All other provisions of this bylaw shall still apply.

9.3. Animals in the Town for parades, gymkhanas, exhibitions and rodeos duly authorized by the Town are not subject to the provisions of this Bylaw, provided, that in all instances such Animals are under the direct care and supervision of Competent Persons.

10. POLICE SERVICE DOGS

10.1. This Bylaw does not apply to an RCMP Service Dog while it is in active service.

11. URBAN HENS

- 11.1. A Person may apply to keep no more than three (3) urban hens and no less than two (2) urban hens in a single property.
- 11.2. No roosters will be permitted.
- 11.3. The owner must be 18 years of age or older.
- 11.4. Hens kept on the property are for personal use only.
- 11.5. Hens are only permitted in Residential Districts as defined in the Town of Three Hills Land Use Bylaw.
- 11.6. Each Hen must be registered under the Premises Identification (PID) Program through Alberta Agriculture and Forestry.
- 11.7. Every building (coop) or enclosure used to accommodate hens must be:
 - 11.7.1. located in the rear yard of the lot behind the dwelling;
 - 11.7.2. a minimum of 0.9m (3.0 ft) from any property line;
 - 11.7.3. a maximum of 9.29 sq m (100 sq ft.) in size;
 - 11.7.4. located at ground level, and a maximum of 2.0m (6.5 ft) in height; and,

11.7.5. provide each hen with at least one nest box and one perch, that is at least 15 centimeters (6 inches) long, within a coop.

11.8. The maximum number of licenses issued shall be one (1) license per three hundred (300) people based on the population of the Town of Three Hills as determined in the most recent census.

12. NUMBER OF ANIMALS

12.1. No Person shall keep, harbor, or have more than (4) Domesticated Animals per dwelling unit.

12.2. Any Person who owns, keeps or harbors more (4) Domesticated Animals over the age of three (3) months without obtaining the required development permit and business license for a Kennel in accordance with the Town's Land Use Bylaw, is guilty of an offence.

12.3. Subject to the provisions of the Land Use Bylaw, Section 12.1 does not apply to a business licensed by the Town to provide kenneling, animal care or veterinary services.

13. LICENSE TAG

13.1. The Owner or any other Person having care or control of a Dog or Cat shall, at all times while it is off the Property of the Owner, ensure the Dog or Cat wears a Collar and current License Tag issued by the Town.

13.2. In case a Dog or Cat License Tag is lost or destroyed, the Owner shall contact the Town within ten (10) days and a replacement tag will be issued upon payment of the fee as specified in the Master Rates, Fees and Charges Bylaw, provided records indicate such a payment was made.

13.3. License Tags are not transferable from one Animal to another, nor from one Owner to another.

14. REVOKING OF A LICENSE

14.1. The CAO may revoke any license if:

14.1.1. the Owner fails to comply with the conditions of the License;

14.1.2. the License was issued on the basis of incorrect information, or misrepresentation by the applicant;

14.1.3. the Animal is deemed Vicious;

14.1.4. the License was issued in error;

14.1.5. the Owner breaches a provision of this Bylaw.

14.2. In the case of a revocation of License, the Owner will be given reasons in writing. The revocation may be appealed through the same process as provided for in section 34 of this Bylaw.

15. ANIMAL SERVICES

15.1. No Person shall breed Animals within the Town unless a business license for a Kennel is

obtained from the Town pursuant to the Land Use Bylaw and the Business License Bylaw.

- 15.2. No Person shall provide pet care services, as defined by the Land Use Bylaw, within the Town without an approved development permit pursuant to the Land Use Bylaw and a business license pursuant to the Business License Bylaw.

PART IV: RESPONSIBILITY OF OWNERS

16. RUNNING AT LARGE

16.1. The Owner of an Animal shall:

- 16.1.1. ensure that the Animal is not running At Large;
- 16.1.2. ensure that the Animal, when not on the Owner's Property, is leashed and under the control of a Competent Person;
- 16.1.3. ensure that when an Animal defecates on any public or private property other than the property of the Owner, the feces shall immediately be removed and properly disposed of in a garbage receptacle.

17. HEALTH OF ANIMALS

17.1. In accordance with the *Animal Protection Act*, RSA 2000, c. A-41, as amended, an Owner or Person in charge of an Animal must:

- 17.1.1. Ensure that the Animal has adequate food and water;
- 17.1.2. Provide the Animal with adequate care while the animal is wounded or ill;
- 17.1.3. Provide the Animal with reasonable protection from injurious heat or cold; and
- 17.1.4. Provide the Animal with adequate shelter, ventilation and space.

17.2. No Owner shall keep, harbor, or have custody of any Animal over three (3) months of age, within the boundaries of the Town without having such Animal vaccinated for rabies.

18. COMMUNICABLE DISEASES

18.1. An Owner of an Animal which is suffering from a Communicable Disease as defined by Federal or Provincial authorities shall:

- 18.1.1. not permit the Animal to be in a public place;
- 18.1.2. not keep the Animal in contact with or in proximity to any other Animal free of such disease;
- 18.1.3. keep the Animal secured within the Owner's residence or tied up in the Owner's yard; and
- 18.1.4. immediately report the matter to the Animal Control Officer and a veterinarian.

19. NUISANCE BEHAVIOUR

- 19.1. The Owner of an Animal shall ensure that such Animal shall not habitually bark, howl, or otherwise make or cause a noise which disturbs any Person(s).
- 19.2. Animal Owners shall ensure that their Animal shall not upset any waste receptacles or scatter the contents thereof either in or about a street, lane or other public property or in or about Premises not belonging to the Owner of the Animal.
- 19.3. An Owner whose Animal has caused Damage to Property within the Town is guilty of an offence.
- 19.4. An Owner shall not allow defecation matter to become a nuisance or unsightly on the Owner's Property or public property or private property.

20. THREATENING BEHAVIOUR

- 20.1. Animal Owners shall ensure that their Animal shall not:
 - 20.1.1. bite, bark at, chase stock, Animals, bicycles, automobiles, or other vehicles;
 - 20.1.2. cause damage to Property or other Animals, whether on the Property of the Owner or not;
 - 20.1.3. do any act that injures a Person(s) whether on the Property of the Owner or not;
 - 20.1.4. bite a Person(s), whether on the Property of the Owner or not;
 - 20.1.5. attack a Person(s), whether on the Property of the Owner or not, causing severe physical injury; or
 - 20.1.6. cause death to another Animal.
- 20.2. No Owner shall use or direct an Animal to attack, chase, harass or threaten a Person or Animal.

21. ANIMALS IN PROHIBITED AREAS

- 21.1. The Owner of an Animal shall ensure that such Animal does not enter or remain in or on:
 - 21.1.1. a school ground, playground, sports field, wading or swimming area; or
 - 21.1.2. any other area where Animals are prohibited by posted signs.

22. DESIGNATED AREAS AND PARKS

- 22.1. Council may designate a public area in which no Animals are allowed and may post signs to this effect.
- 22.2. Council may designate any public area where an Animal may be exercised while not restrained by a Leash.
- 22.3. The provisions of this Bylaw apply, with all necessary modifications, to an off-leash area.
- 22.4. The Owner of an Animal shall carry a Leash while with an Animal in a designated off-leash area.
- 22.5. The Owner of an Animal is guilty of an offence if the Animal is in an off-leash area and

exhibits threatening behavior toward any other Animal or a Person and the Owner fails to secure and/or remove the Animal immediately from the off-leash area.

23. INTERFERENCE WITH ANIMALS

23.1. No Person other than the Owner shall:

23.1.1. untie or loosen an Animal which is not in distress, as defined by the *Animal Protection Act*, as amended; or

23.1.2. willfully or negligently open a gate, door or other opening in a fence, pen or enclosure in which an Animal has been confined.

23.2. No Person shall abuse, tease, torment, or provoke an Animal.

PART V: VICIOUS ANIMALS

24. Vicious Animals are not permitted within the Town of Three Hills Boundary.

25. DECLARATION

25.1. An Animal may be declared by an Animal Control Officer to be a Vicious Animal should it be determined through an investigation that the animal has caused or is likely to cause damage, injury or death to another domestic animal or a person.

25.2. The Owner of an Animal declared to be Vicious pursuant to this Declaration shall be served with a Notice setting out the reasons therefore, the responsibilities of an Owner of a Vicious Animal pursuant to this Bylaw, and the process of an appeal available to the Owner.

25.3. Within two (2) Business Days after the end of the appeal period of an Animal being declared a Vicious Animal, the Owner must become compliant with this Bylaw.

PART VI: MISCELLANEOUS

26. EXOTIC ANIMALS

26.1. No Person shall keep or cause to be kept any snake, reptile, lizard, insect, or arachnid not otherwise prohibited by this bylaw unless housed in an escape-proof enclosure.

26.2. Licensing of an exotic Animal is at the sole discretion of the CAO and is not guaranteed.

26.3. Licensing will be only be considered upon receipt of a written application in the form specified by the Town.

26.4. Any fees as specified in the Master Rates, Fees and Charges Bylaw shall apply.

26.5. The provisions of any statute of Canada of the Province of Alberta, or any regulation thereunder must be followed.

PART VII: ANIMAL CONTROL AUTHORITY

27. SEIZURE AND IMPOUNDING

- 27.1. An Animal Control Officer may capture and Impound any Animal:
 - 27.1.1. which has engaged in any activity that contravenes any provision of this Bylaw;
 - 27.1.2. which is required to be impounded pursuant to the provisions of any statute of Canada or the Province of Alberta, or any regulation thereunder.
- 27.2. An Animal Control Officer may enter any Property or Premises for the purpose of impounding and capturing of an Animal pursuant to this Bylaw.
- 27.3. An Animal Control Officer may use any humane method, including but not limited to, the use of capture devices or tranquilizer equipment to capture an Animal that is subject to impoundment pursuant to this Bylaw.

28. OBSTRUCTION

- 28.1. Any Person, whether or not the Owner, who withholds or provides false or misleading information with respect to Ownership of an Animal to an Animal Control Officer who is conducting an investigation with respect to an offence or alleged offence under this Bylaw, is guilty of an offence as specified by the Master Rates, Fees and Charges Bylaw.
- 28.2. Any Person who willfully interferes with or obstructs an Animal Control Officer who is attempting to capture or Impound an Animal or is in possession of an Animal captured or impounded pursuant to this Bylaw, is guilty of an offence as specified by the Master Rates, Fees and Charges Bylaw.
- 28.3. Any Person who springs or otherwise tampers with or damages a live trap in which Animals are to be trapped, or have been trapped, so as to allow any Animal to escape from the trap, is guilty of an offence as specified by the Master Rates, Fees and Charges Bylaw.

29. IMPOUNDED ANIMALS

- 29.1. An impounded Animal may be reclaimed by or on behalf of the Owner during normal office hours after payment is made to the Town of:
 - 29.1.1. any required Animal license fee;
 - 29.1.2. the other fees as set out in the Master Rates, Fees and Charges Bylaw relating to the Animal's capture, impoundment, care and sustenance; and
 - 29.1.3. the costs of any required veterinary services provided.

PART VIII: ENFORCEMENT PROCEDURES

30. ISSUING OF TICKETS

- 30.1. Where an Animal Control Officer has reasonable grounds to believe that a Person has contravened any provision of this Bylaw, he may serve such Person a Violation Ticket in accordance with Part 2 of the *Provincial Offences Procedure Act*, RSA 2000, c. P-34 as amended.

- 30.2. Notwithstanding Section 38.1, an Animal Control Officer may, in lieu of prosecution, issue to any Person a Municipal Ticket in a form as approved by the CAO.
- 30.3. A Person who has been issued a bylaw violation pursuant to this Bylaw and who has paid the penalty in lieu of prosecution within the time specified shall not be liable for prosecution.
- 30.4. A Municipal Ticket shall be deemed to be sufficiently served if:
 - 30.4.1. served Personally on the Owner of the Animal, or left at the Owner’s residence; or
 - 30.4.2. mailed to the address of the Owner of the Animal.

31. CONTINUING OFFENCES

- 31.1. Penalties for a second and subsequent offence will be applicable, where those offences occur within one (1) year of the previous offence.
- 31.2. 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 Day, on which the offence continues. Any Person guilty of such an offence is liable to a fine in the amount not less than that set out in the Master Rates, Fees and Charges Bylaw.

32. SUMMARY CONVICTIONS

- 32.1. Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine as set out in the Master Rates, Fees and Charges Bylaw and in default of payment is liable to imprisonment for a term not exceeding six (6) months.

33. ADDITIONAL PENALTIES

- 33.1. A Provincial Court Judge or Justice may, upon convicting the Owner of an Animal, in addition to penalties provided for in this bylaw:
 - 33.1.1. direct or order the Owner of the Animal to:
 - i. take measures to stop the Animal from engaging in any activity that constitutes a contravention of this bylaw;
 - ii. have the Animal removed from the Town;
 - iii. have the Animal euthanized; or
 - iv. be prohibited from owning any Animal for a specified period of time.
 - 33.1.2. declare the Animal involved in the contravention resulting in the conviction to be a Vicious Animal pursuant to this Bylaw.

PART IX: NOTICES & APPEAL

34. NOTICES

- 34.1. For the purposes of this bylaw, a Notice will be deemed to have been sufficiently served when:

- 34.1.1. served Personally upon the Owner of the Animal, or served upon any Person who is 18 years of age or older who resides in the same residence as the Owner of the Animal; or
- 34.1.2. the Owner of the Animal, or any Person who is 18 years of age or older who resides in the residence where the Animal is kept, is notified verbally by an Animal Control Officer, and a written Notice is sent by regular or registered mail or by electronic means to the Owner as soon as practicable thereafter; or
- 34.1.3. the Notice is posted in a conspicuous location on the Premises of the Owner.

35. APPEAL

- 35.1. A Notice issued pursuant to this bylaw may be appealed in writing to the CAO within seven (7) days of being served with a Notice.
- 35.2. A decision on an appeal made pursuant to section 35.1 will be communicated to the appellant in writing within seven (7) days of receipt of the appeal.
- 35.3. Where a Notice has been served on the Owner of an Animal declared to be a Vicious Animal by an Animal Control Officer, the Animal will be deemed to be a Vicious Animal throughout any appeal proceedings until a decision arising from an appeal is rendered that the Animal is not a Vicious Animal.

PART X: GENERAL, SEVERABILITY, TRANSITIONAL, REPEAL & ENACTMENT

36. GENERAL

- 36.1. Whenever the singular masculine gender is used in this bylaw, the same shall include the feminine and neutral gender whenever context requires.
- 36.2. No action or damages shall be taken against the Town or any Person acting under the authority of this bylaw in respect of the impoundment, adoption, destruction, sale or disposal of any Animal dealt with pursuant to this bylaw.
- 36.3. All monies received for licensing, impoundment fees, veterinary services or sale of an Animal become part of the general revenue of the Town.
- 36.4. It is the intention of Council that all offences created pursuant to this bylaw be considered as being Strict Liability Offences.
- 36.5. Without restricting any other power, duty or function granted by this bylaw, the CAO may:
 - 36.5.1. carry out whatever inspections are reasonably required to determine compliance with this bylaw;
 - 36.5.2. delegate any powers, duties or functions under this bylaw to an employee of the Town; and
 - 36.5.3. create forms for the purposes of this bylaw.

37. SEVERABILITY

- 37.1. Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 37.2. Should any section or part of this Bylaw be found to be improperly enacted or ultra vires, for any reason, then such section or part shall be regarded as being severable from the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.

38. REPEAL

- 38.1. Bylaw No. 1388-16 and any amendments thereto are hereby repealed.

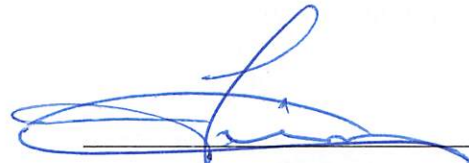
39. ENACTMENT

- 39.1. This bylaw shall come into force and effect upon the date of the passing of the third and final reading and signing thereof.

READ A FIRST TIME THIS 25TH DAY OF JANUARY, 2021.

READ A SECOND TIME THIS 8TH DAY OF FEBRUARY, 2021.

READ A THIRD TIME THIS 8TH DAY OF FEBRUARY, 2021.



(CHIEF ELECTED OFFICIAL)



(CHIEF ADMINISTRATIVE OFFICER)

SEAL