



CITY OF EDMONTON

BYLAW 13145

ANIMAL LICENSING AND CONTROL BYLAW

(CONSOLIDATED ON DECEMBER 7, 2010)

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BYLAW 13145

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Whereas, pursuant to section 7(a) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and

Whereas, pursuant to section 7(h) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting wild and domestic animals and activities in relation to them; and

Whereas, pursuant to section 7(i) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the *Municipal Government Act* or any other enactment including any or all of the matters listed therein; and

Whereas, pursuant to section 8 of the *Municipal Government Act*, a council may in a bylaw:

- (a) regulate or prohibit; and
- (b) provide for a system of licences, permits or approval including any or all of the matters listed therein.

Edmonton City Council enacts:

PART I - PURPOSE, DEFINITIONS AND INTERPRETATION

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|--------------------|---|--|
| PURPOSE | 1 | The purpose of this bylaw is to establish a system of licensing and control with respect to animals within the City. |
| DEFINITIONS | 2 | In this bylaw, unless the context otherwise requires: <ul style="list-style-type: none"> (a) “Cat” means any domesticated cat; (b) “City” means the City of Edmonton; (c) “City Manager” means the chief administrative officer of the City or his delegate; (d) “Dog” means any domesticated dog other than a Restricted Dog; (e) “Kitten Licence” means a Licence issued for a Cat under |

the age of six months;

- (f) **“Large Animal”** means any animal other than a human being, Dog, Restricted Dog or Cat which in the adult form regularly weighs more than 10 kg.
- (g) **“Licence”** means a licence issued pursuant to this bylaw;
- (h) **“Licensee”** means a person named on a Licence;
- (i) **“Municipal Tag”** means a ticket alleging an offence issued pursuant to the authority of a bylaw of the City;
- (j) **“Off Leash Area”** means an area designated by the City Manager where a Dog is permitted but is not required to be held by a leash;
- (k) **“Owner”** includes any person:
 - (i) named on a Licence; or
 - (ii) in actual or apparent possession or control of property where an animal apparently resides.
- (l) **“Parkland”** has the same meaning as in the Parkland Bylaw.
- (m) **“Peace Officer”** has the same meaning as in the *Provincial Offences Procedure Act*;
- (n) **“Puppy Licence”** means a Licence issued for a Dog or Restricted Dog under the age of six months.
- (o) **“Restricted Dog”** means any dog:
 - (i) certified by a veterinarian licensed to practice veterinary medicine in Alberta to be primarily of the breed Staffordshire Bull Terrier as that breed is defined by the Canadian Kennel Club;
 - (ii) certified by a veterinarian licensed to practice veterinary medicine in Alberta to be primarily of the breed American Staffordshire Terrier as that breed is defined by the Canadian Kennel Club;
 - (iii) that has chased, attacked or bitten any person or animal causing physical injury and resulting in a conviction under this bylaw;

- (iv) that has 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;
- (v) that has been made the subject of an order under the *Dangerous Dogs Act*; or
- (vi) that has been classified as a Vicious Dog under the provisions of Bylaw 10558, The Registration And Keeping Of Dogs Bylaw;

but does not include a dog:

- (vii) registered, or eligible for registration, with the Canadian Kennel Club as a purebred Staffordshire Bull Terrier or American Staffordshire Terrier.
- (p) **“Violation Ticket”** has the same meaning as in the *Provincial Offences Procedure Act*.

RULES FOR INTERPRETATION

- 3 The marginal notes and headings in this bylaw are for reference purposes only.

PART II - LICENSING OF DOGS

REQUIREMENT FOR LICENCE

- 4 (1) The Owner of a Dog shall obtain a Licence for the Dog.
- (2) The Owner of a Restricted Dog shall obtain a Licence for the Restricted Dog.
- (3) This section does not apply to Dogs or Restricted Dogs under the age of six months.

PUPPY LICENCE

- 5 The Owner of a Dog or Restricted Dog aged less than six months may obtain a Puppy Licence for the Dog or Restricted Dog by providing the information required by the City Manager.

APPLICATION

- 6 Before the issue or renewal of a Licence pursuant to this Part the Owner must submit to the City Manager.

- (a) the Licence fee as established by this bylaw;
- (b) proof, in a form acceptable to the City Manager, of the Dog being spayed or neutered if applicable;
- (c) any additional information required by the City Manager.

**ISSUE OR
RENEWAL**

- 7 (1) The City Manager may not issue or renew a Licence pursuant to this Part unless satisfied that:
- (a) at least one person named on the Licence is 18 years of age;
 - (b) all applicable fees have been paid; and
 - (c) all required information has been provided.

TERM

- 8 (1) Unless otherwise specified in this bylaw the term of a Licence pursuant to this Part expires one year from the date it is issued or renewed.
- (2) The City Manager may issue a Licence pursuant to this Part for a term other than one year where the City Manager considers it appropriate to do so.
- (3) The term of a Puppy Licence expires upon the Dog or Restricted Dog reaching the age of six months.

LICENCE FEES

- 9 (1) The annual Licence fee for a Dog is set out in Schedule A
- (2) The annual Licence fee for a Dog that is either spayed or neutered is set out in Schedule A.
- (3) The annual Licence fee for a Restricted Dog is set out in Schedule A.
- (S.10(a,b,c), Bylaw 14427, December 6, 2006)
- (4) There is no fee payable for a Puppy Licence.
- (5) In the event a Licence for a Dog or Restricted Dog is issued or renewed for a term other than one year, the fee for the Licence will be adjusted proportionately.

PART III - REGULATION OF DOGS

Regulations Applying to All Dogs

EXCESSIVE BARKING

- 10 (1) The Owner or any other person having care or control of a Dog, or Restricted Dog, shall ensure it does not bark in a manner that is reasonably likely to annoy or disturb the peace of others.
- (2) In determining whether barking is reasonably likely to annoy or disturb the peace of others consideration may be given, but is not limited, to the:
- (a) proximity of the property where the Dog or Restricted Dog resides;
 - (b) duration of the barking;
 - (c) time of day and day of the week;
 - (d) nature and use of the surrounding area; and
 - (e) any effect of the barking.

DEFECATION

- 11 (1) The Owner or any other person having care or control of a Dog, or Restricted Dog, shall forthwith remove any defecation left by it on public property or private property other than that of the Owner.
- (2) The Owner or any other person having care or control of a Dog, or Restricted Dog, shall ensure that defecation apparently left by it on the property of the Owner does not accumulate to such an extent that it is reasonably likely to annoy or pose a health risk to others.

DISPLAY OF LICENCE TAG

- 12 The Owner or any other person having care or control of a Dog, or Restricted Dog, shall, at all times when it is off the property of the Owner, ensure it displays the Licence tag issued by the City.

Regulations Applying to Non Restricted Dogs

OFF PROPERTY OF OWNER

- 13 (1) The Owner or any other person having care or control of a Dog shall, at all times when it is off the property of the Owner, have it:
- (a) under control; and
 - (b) held on a leash not exceeding two metres in length.

(2) Repealed

(S.6, Bylaw 13382, July 4, 2003)

- (3) When a Dog is within an Off Leash Area the Dog need not be held on a leash, however, the Owner or any other person having care or control of the Dog shall carry with them a leash for the Dog not exceeding two metres in length.
- (4) Subject to the requirements of section 13(1), the Owner or any other person having care or control of a Dog may have the Dog in any transit vehicle or facility of the City if the Dog is trained by a recognized agency to provide assistance to a person with a physical impairment and the person is using the Dog for such assistance.
- (5) Nothing in this section removes the obligation on a person to have a Dog under control when it is off the property of the Owner.

ATTACKS

- 14 (1) The Owner or any other person having care or control of a Dog shall ensure it does not:
- (a) damage property;
 - (b) chase, attack or bite any person or animal; or
 - (c) chase, attack or bite any person or animal causing physical injury.
- (2) This section does not apply if the chase, attack, bite or damage is a direct result of the Dog being provoked.

Regulations Applying to Restricted Dogs**INSURANCE**

- 15 The Owner of a Restricted Dog shall have liability insurance specifically covering any damages for personal injury caused by the Restricted Dog in an amount not less than one million dollars.

OFF PROPERTY OF OWNER

- 16 The Owner or any other person having care or control of a Restricted Dog shall, at all times when it is off the property of the Owner, have it:
- (a) under control;
 - (b) muzzled; and

- (c) held on a leash not exceeding two metres in length.
- ON PROPERTY OF OWNER** 17 The Owner or any other person having care or control of a Restricted Dog shall, at all times when it is on the property of the Owner, have it:
- (a) indoors;
- (b) outdoors, secured in a fully enclosed pen; or
- (c) outdoors, muzzled and secured by a chain fixed to the property that prevents the Restricted Dog from coming closer than two metres to the apparent boundary of the property.
- ATTACKS** 18 (1) The Owner or any other person having care or control of a Restricted Dog shall ensure it does not:
- (a) damage property;
- (b) chase, attack or bite any person or animal; or
- (c) chase, attack or bite any person or animal causing physical injury.
- (2) This section does not apply if the chase, attack, bite or damage is a direct result of the Restricted Dog being provoked.

PART IV - LICENSING AND REGULATION OF CATS

- REQUIREMENT FOR LICENCE** 19 (1) The Owner of a Cat shall obtain a Licence for the Cat.
- (2) This section does not apply to Cats under the age of six months.
- KITTEN LICENCE** 20 The Owner of a Cat aged less than six months may obtain a Kitten Licence for the Cat by providing the information required by the City Manager.
- APPLICATION** 21 Before the issue or renewal of a Licence pursuant to this Part the Owner must submit to the City Manager:
- (a) the Licence fee as established by this bylaw;
- (b) proof, in a form acceptable to the City Manager, of the Cat

being spayed or neutered if applicable;

(c) any additional information required by the City Manager.

**ISSUE OR
RENEWAL**

- 22 The City Manager may not issue or renew a Licence pursuant to this Part unless satisfied that:
- (a) at least one person named on the Licence is 18 years of age;
 - (b) all applicable fees have been paid; and
 - (c) all required information has been provided.

TERM

- 23 (1) Unless otherwise specified in this bylaw the term of a Licence pursuant to this Part expires one year from the date it is issued or renewed.
- (2) The City Manager may issue a Licence pursuant to this Part for a term other than one year where the City Manager considers it appropriate to do so.
- (3) The term of a Kitten Licence expires upon the Cat reaching the age of six months.

LICENCE FEES

- 24 (1) The annual Licence fee for a Cat is set out in Schedule A.
- (2) The annual Licence fee for a Cat that is either spayed or neutered is set out in Schedule A.
- (S.10(d,e), Bylaw 14427, December 6, 2006)
- (3) There is no fee payable for a Kitten Licence.
- (4) In the event a Licence for a Cat is issued or renewed for a term other than one year, the fee for the Licence will be adjusted proportionately.

**DISPLAY OF
LICENCE TAG**

- 25 (1) The Owner or any other person having care or control of a Cat shall, at all times when it is off the property of the Owner, ensure it displays the Licence tag issued by the City.
- (2) This section does not apply if the Cat is identified by a legible tattoo or a registered microchip.

**OFF PROPERTY OF
OWNER**

- 26 (1) The Owner or any other person having care or control of a Cat shall ensure the Cat does not enter onto private property other than

that of the Owner.

- (2) This section does not apply if the person in charge of the private property consents to the Cat being there.

PART V - OTHER REGULATIONS

PROHIBITED ANIMALS

- 27 (1) No person shall keep or have any of the following on any premises with a municipal address in the City:

- (a) a Large Animal or the young thereof;
- (b) poultry;
- (c) bees; or
- (d) poisonous snakes, reptiles or insects.

unless permission to do so has been granted by the City Manager.

- (2) This section, other than (1)(d), does not apply in the case of premises with a municipal address in the City on land zoned AG, AGU or AGI.

LEG HOLD TRAPS

- 27.1 (1) Unless otherwise permitted by law no person shall leave a leg hold or foot hold trap in any place where it may reasonably capture any animal.

- (2) Unless otherwise permitted by law no person shall capture any animal by means of a leg hold or foot hold trap.

(S.2 Bylaw 13834, September 14, 2004)

PIGEONS

- 28 (1) No person shall keep or have any pigeons on any premises with a municipal address in the City unless they have a Licence to do so.

- (2) Where applicable, the provisions of Bylaw 13138, the Business Licence Bylaw, concerning the process of obtaining or removing a licence, including the provisions regarding any appeal apply to a Licence required by this section.

- (3) The annual Licence fee to keep or have pigeons is set out in Schedule A.

(S.10(f), Bylaw 14427, December 6, 2006)

- (4) No person shall:

- (a) keep or have more than 75 pigeons on any premises with a municipal address in the City;
- (b) keep or have pigeons except in a loft or aviary acceptable to the City Manager in terms of location, size, construction, ventilation, cleanliness and any other related matter; or
- (c) allow any pigeon to be outside the loft or aviary:
 - (i) for any purpose other than supervised exercise or when returning from a supervised race or training flight;
 - (ii) in a flock of more than 20 pigeons at one time; or
 - (iii) on any Saturday, Sunday or legal holiday between 10 a.m. and 11 p.m. or on any day in May, June, July, August or September between 10 a.m. and 4 p.m.

**LIMIT ON DOGS,
RESTRICTED DOGS
AND CATS**

- 29 (1) No person shall keep or have more than three Dogs, Restricted Dogs, or any combination thereof on any premises with a municipal address in the City.
- (2) No person shall keep or have more than six Cats on any premises with a municipal address in the City.
- (3) This section does not apply:
- (a) in the case of Dogs, Restricted Dogs or Cats under the age of six months;
 - (b) if the person has a valid business licence to operate a Small Animal Breeding/Boarding Establishment or the General Business of a pet store pursuant to another bylaw of the City;
 - (c) to the Edmonton SPCA or any veterinary clinic or hospital, or
 - (d) in the case of premises with a municipal address in the City on land zoned AG, AGU, or AGI.

**ANIMALS ON
PUBLIC TRANSIT**

- 30 Subject to section 13(4), no person shall have an animal in any transit vehicle or facility of the City unless:

- (a) it is within a fully enclosed carrier;
- (b) it is carried by the person at all times; and
- (c) the full adult fare is paid for the animal.

**CHANGE OF
INFORMATION**

- 31 A Licensee shall forthwith notify the City Manager of any change with respect to any information provided as part of the application for a Licence pursuant to this bylaw.

**NOTIFICATION OF
STRAY**

- 32 A person who takes control of any stray Dog, Restricted Dog or Cat shall forthwith notify the City Manager and provide any required information.

**FALSE
INFORMATION**

- 33 No person shall provide false or misleading information to any Peace Officer or the City Manager.

- 33.1 No person shall contravene any term or condition contained in a written agreement entered into by that person with the City pursuant to this bylaw.

(S.2, Bylaw 13238, November 26, 2002)

INTERFERENCE

- 34 No person shall interfere with a Peace Officer in the exercise of their powers and duties pursuant to this bylaw.

PART VI - ENFORCEMENT

OFFENCE

- 35 A person who contravenes this bylaw is guilty of an offence.

**CONTINUING
OFFENCE**

- 36 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 it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw for each such day.

**FINES AND
PENALTIES**

- 37 (1) A Person who is guilty of an offence is liable to a fine in an amount not less than that established in this section, and not exceeding \$10,000.00, and to imprisonment for not more than six months for non-payment of a fine.

- (2) Without restricting the generality of subsection (1) the following

fine amounts are established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered:

- (a) \$100.00 for any offence for which a fine is not otherwise established in this section;
- (b) \$250.00 for an offence under section 4(1) or 19(1);
- (c) \$500.00 for an offence under section 4(2); 14(1)(c); 15; 16; 17; 18(1)(a); 18(1)(b); 27(1) 27.1(2) or 29(1);

(S.3, Bylaw 13834, September 14, 2004)

- (d) \$2,500.00 for an offence under section 18(1)(c).

MUNICIPAL TAG	38	If a Municipal Tag is issued in respect of an offence the Municipal Tag must specify the fine amount established by this bylaw for the offence.
PAYMENT IN LIEU OF PROSECUTION	39	A person who commits an offence may, if a Municipal Tag is issued in respect of the offence, pay the fine amount established by this bylaw for the offence and if the amount is paid on or before the required date, the person will not be prosecuted for the offence.
VIOLATION TICKET	40	<p>If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:</p> <ul style="list-style-type: none"> (a) specify the fine amount established by this bylaw for the offence; or (b) require a person to appear in court without the alternative of making a voluntary payment.
VOLUNTARY PAYMENT	41	<p>A person who commits an offence may:</p> <ul style="list-style-type: none"> (a) if a Violation Ticket is issued in respect of the offence; and (b) if the Violation Ticket specifies the fine amount established by this bylaw for the offence; <p>make a voluntary payment equal to the specified fine.</p>
SEIZURE AND IMPOUNDING	42	A Peace Officer may seize and impound:

- (a) any Dog found in contravention of section 13(1);
- (b) any Restricted Dog found in contravention of section 16; or
- (c) any Cat found in contravention of section 26(1).

SERIOUS INJURY

- 42.1 (1) A Peace Officer may seize and impound any dog alleged to have seriously injured or killed a person or animal.
- (2) Before seizing and impounding a dog pursuant to this section the Peace Officer must consider whether the dog was acting in self defence or while in the course of attempting to prevent a person from committing an unlawful act.
- (3) A dog seized pursuant to this section may not be impounded for more than 21 days unless court proceedings for a destruction or other order with respect to the dog are commenced within that time.

(S.2, Bylaw 14362, February 3, 2010)

RELEASE

- 43 Any Dog, Restricted Dog or Cat seized pursuant to this bylaw may be released to the Owner upon payment of any fees due with respect to shelter, care and treatment and any Licence fee, if not already paid.

PART VII - GENERAL**OTHER FEES**

- 44 The following fees are hereby established:
- (a) for shelter and care, the amount set out in Schedule A; and
(S.10(g), Bylaw 14427, December 6, 2006)
 - (b) for any required veterinary treatment, including drugs and medicines, the actual costs of the treatment; and
 - (c) for a replacement Licence tag, the amount set out in Schedule A.

(S.10(h), Bylaw 14427, December 6, 2007)

PROOF OF LICENCE

- 45 The onus of proving a person has a valid and subsisting Licence is on the person alleging the Licence on a balance of probabilities.

- PROOF OF AGE** 46 The onus of proving the age of a Dog, Restricted Dog or Cat is on the Person alleging the age on a balance of probabilities.
- CITY MANAGER** 47 Without restricting any other power, duty or function granted by this bylaw, the City Manager may:
- (a) carry out whatever inspections are reasonably required to determine compliance with this bylaw;
 - (b) delegate any powers, duties or functions under this bylaw to an employee of the City;
 - (c) establish forms for the purposes of this bylaw;
 - (d) establish Off Leash Areas;
 - (e) permit a 50% reduction in the Licence fee otherwise payable for one spayed or neutered Dog or Cat if the Owner is receiving income assistance from a recognized government program;
 - (f) waive the Licence fee otherwise payable for one Dog if the Dog is trained by a recognized agency to provide assistance to a person with a physical impairment and the Owner uses the Dog for such assistance;
 - (g) waive the first year License fee otherwise payable for any Dog or Cat adopted by an Owner from the Edmonton Humane Society; and
 - (h) waive the first year License fee otherwise payable for and Dog or Cat that is either spayed or neutered.
- (S.4,(a-d), Bylaw 13718, July 27, 2004, as amended)
- CERTIFIED COPY OF RECORD** 48 A copy of a record of the City, certified by the City Manager as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.
- CIVIL ACTION NOT AFFECTED** 49 Nothing in this bylaw limits the right of any person to prosecute a claim for damages by reason of injuries to person or property resulting from any action of the Owner of any animal, or from the action of any agent of the Owner.

PART VIII - TRANSITIONAL

EXISTING LICENCE	50	An existing licence issued under Bylaw 10558, The Registration And Keeping Of Dogs Bylaw, or Bylaw 12222, the Cat Licensing Bylaw, remains valid until the term of such licence expires.
REPEALS	51	Bylaw 9199, Regulating And Controlling Animals Within City Of Edmonton; Bylaw 10558, The Registration And Keeping Of Dogs Bylaw; and Bylaw 12222, the Cat Licensing Bylaw, are repealed.
EFFECTIVE DATE	52	This bylaw comes into force on January 7, 2003.

(Note: Consolidation made under Section 69 of the *Municipal Government Act*, R.S.A., 2000, c.M-26 and Bylaw No. 12005, and printed under the City Manager's authority)

Bylaw No. 13145, passed by Council October 7, 2002

Amendments:

- Bylaw 13238, November 26, 2002
- Bylaw 13382, July 4, 2003
- Bylaw 13718, July 27, 2004
- Bylaw 13834, September 14, 2004
- Bylaw 14427, December 6, 2006
- Bylaw 14833, December 14, 2007
- Bylaw 15040, December 10, 2008
- Bylaw 15327, December 01, 2009
- Bylaw 14362, February 3, 2010
- Bylaw 15596, December 7, 2010

SCHEDULE A – FEES

Effective January 1, 2011

- (1) Dog Licence\$75. per year
- (2) Dog Licence (spayed or neutered)\$34. per year
- (3) Restricted Dog Licence.....\$246. per year
- (4) Cat Licence\$74. per year
- (5) Cat Licence (spayed or neutered)\$19. per year
- (6) Pigeon Licence.....\$15. per year
- (7) Shelter and Care:
 - (i) for the first day, or part of a day\$20.
 - (ii) for each additional day, or part of a day\$15.
- (8) Replacement Licence tag\$7.
- (9) For any required veterinary treatment, including drugs and medicines, the actual cost of the treatment.

(S.10(a), Bylaw 14833, December 14, 2007)
(S.10(a), Bylaw 15040, December 10, 2008)
(S.9(a), Bylaw 15327, December 01, 2009)
(S.2, Bylaw 15596, December 7, 2010)