

Bylaw #1080

BEING a By-Law of the Town of Carstairs in the Province of Alberta, to repeal Bylaw No. 896. The purpose of this bylaw is to regulate dogs within the borders of the Town of Carstairs, the licensing of breeders and the establishment of fines for violation of this by law.

WHEREAS, the Town of Carstairs has been authorized by the Municipal Government Act, Chapter M 26-1, with amendments to pass bylaws;

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

1. This By-Law may be cited as the **"Hobby Kennel and Commercial/Breeding Kennel Bylaw"**.

2. In this By-Law, the following definitions will apply:

"Town of Carstairs" - Shall mean the administrative body overseeing the implementation of the Animal Control Bylaw.

"Animal Control Officer" - Any officer or assistant officer appointed for the enforcement of animal control laws. This includes the Town of Carstairs Bylaw Officer, Community Peace Officer or any member of the Royal Canadian Mounted Police.

"Commercial/Breeding Kennel" - A kennel maintained as a business for the boarding of dogs, for the grooming of dogs, or one which sells dogs born and raised on the premises from no more than three litters per year. A home occupation license approved by the Towns Development Officer is required prior to continuance of and/or onset of breeder operation.

"Hobby Kennel" - A kennel maintained for any collection of four up to a maximum of five dogs. All dogs must be spayed or neutered with vet certificates confirming alteration. Hobby Kennel includes a Fostering Kennel to assist with canine relocating.

"Keeper" - Any person, corporation, or society, other than the owner, harboring, or having in his possession a dog.

"Kennel License" - A license for any type of Hobby, Commercial/Breeding Kennel.

"License Period" - The time between January first and the following December 31st, both dates inclusive within a calendar year.

"Owner" - Includes corporations, societies, associations, partnerships, individuals and any persons or agencies provided they show ownership of an animal by possession of a current and valid license or other satisfactory proof of ownership.

"Restricted Breed" - Refers to any dog which is classified as a restricted breed in Bylaw 1079.

3. REGULATIONS

1. Any owner or keeper that has four to a maximum of five dogs, three months or older, or who maintains a Commercial or Breeding Kennel, as defined, shall apply to the Town of Carstairs for the appropriate kennel license, in writing upon forms provided to the applicant by the Town. The Town of Carstairs shall consider any application for a Hobby Kennel license or a Commercial /Breeder Kennel license. The Town of Carstairs will ensure that homeowners within

approximately sixty (60) meters radius are notified and any feedback will be considered during the application process.

2. In granting a kennel license, the Animal Control Officer shall assure, in addition to any specific requirements in the bylaws, that:

- a. The specific site is an appropriate location for the kennel;
- b. The kennel will not adversely affect the neighborhoods;
- c. There will be no nuisance to the public; and
- d. Adequate and appropriate facilities will be provided to assure public safety.
- e. There are no dogs which are classified as restricted either by breed or as a restricted dog under Bylaw 1079.
- f. If the site for the proposed kennel is being rented, a letter from the Owner of the property acknowledging and approving this use shall be provided by the applicant to the Animal Control Officer.

3. The Animal Control Officer, acting on behalf of the Town of Carstairs, may impose such conditions, safeguards and limitations as may deem reasonably appropriate to protect the neighborhood and otherwise serve the purpose of the bylaw. Criteria used by the Animal Control Officer must comply with the Society for Prevention of Cruelty towards Animals (SPCA). Such application shall specify the maximum number of dogs to be kept on the premises at any one time.

4. A veterinary hospital shall not be considered a kennel unless it contains an area for the grooming or selling of dogs, or for boarding of dogs for other than medical or surgical purposes, in which case it shall apply in writing to the Town of Carstairs for the required kennel license.

5. Kennel licenses shall not be transferable. The fee for a Hobby Kennel License will be \$100 paid annually to the Town of Carstairs. The fee for a Commercial/ Breeder Kennel License will be \$100 paid annually to the Town of Carstairs. In addition, a business license fee of \$100 will be binding on the applicant of a Commercial/ Breeder Kennel License (refer to definition of Commercial/Breeder Kennel).

6. The owner or keeper of a kennel shall renew the license annually prior to the commencement of each succeeding license period. The penalty for failure to renew a kennel license shall be two hundred and fifty (\$250) dollars.

7. A license issued pursuant to this section shall be in addition to any other license required for any dog which may be kept in such kennel for any portion of the period for which the license is issued.

8. While at large, each dog belonging to a kennel shall wear a collar or harness to which shall be securely attached a tag upon which shall appear the number of the dog license, the name of the town, and the year of issuance. All provisions and penalties of this chapter relating to dogs at large shall apply to the dog of a kennel when such dog is at large.

9. Whenever a kennel owner sells any dog or pup, they shall, within five days of such sale, notify the Town in writing. In addition, the owner will provide the Animal Control Officer in writing, the age, breed, color, identifying marks, sex, and reproductive status of the animal and address of the purchaser. All breeders must place dogs by three (3) months (twelve weeks) of age or dogs are subject to removal to a boarding facility.

10. The Animal Control Officer may at any time inspect or cause to be inspected any kennel and, if he/she believes after such inspection that the kennel is not being maintained in a sanitary and humane manner he/she shall submit a report of recommendations. Upon receipt of such report, the Town of Carstairs shall notify the kennel license holder of such report and shall convene within seven business days of the receipt of the report to determine whether the license should be temporarily suspended. Regardless of whether the license is

temporarily suspended, the Town of Carstairs shall, within ten business days of receipt of such report conduct a hearing at which the kennel license holder shall be permitted to defend against any suspension or revocation.

a)The Animal Control Officer may submit reports to The Town of Carstairs pertaining to complaints received about the operation of the kennel, where complaints are pertaining to violation of this bylaw or violations of Bylaw 1079 and the operator of the kennel has not taken due diligence in correcting the matter. If the Town of Carstairs finds negligence on the part of the kennel license holder the Town of Carstairs within ten days will convene a hearing, notifying the license holder of such a hearing to determine if the kennel license should be suspended. The license holder will be permitted to defend against any suspension or revocation.

11. Upon the petition of twenty five citizens filed with the Town of Carstairs, setting forth that they are aggrieved or annoyed to an unreasonable extent by one or more dogs at a kennel located within the town because of excessive, unprovoked barking, vicious behavior of one or more dogs, or other conditions connected with the kennel that allegedly constitute a public nuisance, the Town of Carstairs shall, within ten business days of the filing of such petition, give notice to all parties signing such petition and to the holder of the kennel license of a hearing to be held within fourteen days of such notice. Within thirty days after the hearing, the Town of Carstairs shall make an order either revoking or suspending such kennel license or otherwise regulating operation of said kennel, or shall dismiss the petition.

The Animal Control Officer has the right to remove the Commercial/Hobby Kennel License upon written receipt of six or more bonafide complaints from four or more neighbours residing within sixty (60) meters of the residence of the licensee.

12. The penalty for maintaining a kennel after the license has been suspended or revoked shall be One Hundred dollars per day.


13. This bylaw hereby repeals Bylaw No. 896 "Hobby Kennel Bylaw".

14. This bylaw will come into force and effect upon third and final reading thereof.

Read a first time this 25th day of February A.D., 2019.

Read a second time this 25th day of February A.D., 2019.

Read a third and final time this 25th day of February A.D., 2019.


Lance Colby, Mayor


Carl McDonnell, CAO