

BYLAW NO. 485-15**ANIMAL CONTROL BYLAW
VILLAGE OF HUGHENDEN**

A Bylaw to replace Bylaw 466-08 to provide for the regulating, controlling, and confinement of animals in the Village of Hughenden.

WHEREAS the Municipal Government Act, R.S.A. 2000, as amended ("the Act") provides that a Municipal Council may pass bylaws regarding domestic animals and activities related to them.

NOW THEREFORE the Council of the Village of Hughenden, duly assembled, enacts as follows.

1. Title

1.1. This Bylaw will be known as the "Animal Control Bylaw"

2. Definitions

2.1. "Animal Control Officer" shall mean any person or persons duly authorized by the Village to enforce the provisions of this Bylaw, including, but not limited to the Poundkeeper;

2.2. "Animal Shelter" shall mean the premises designated by the Village for the purposes of impounding and caring for all Dogs found to be contravening any section of this Bylaw;

2.3. "Animal Unit" means:

- (a) Two bison, horse, cattle, swine, donkey, mule, oxen, or similar large sized livestock animal, normally exceeding 40 lbs. in weight;
- (b) Two sheep, goats, or similar medium sized livestock animal, normally between 20 and 40 lbs. in weight;
- (c) Five poultry, ducks, geese, turkeys, or similar sized livestock animal, normally under 20 lbs. in weight.

2.4. "Council" shall mean the Village Council for the Village of Hughenden;

2.5. "Damage to Public or Private Property" shall include defecating and/or urinating on such property;

2.6. "Dog" shall mean any domesticated dog has been tamed to need and accept the care of human beings;

2.7. "Domestic Animal" shall mean an animal has been tamed to need and accept the care of human beings and lives in the habitations of humans and includes, but is not limited to a cat, a rabbit, a hamster, a rat, a skunk, a snake, a parrot, but does not include Dogs;

2.8. "Dwelling unit" shall mean a self-contained living premises with cooking, eating, living, sleeping and sanitary facilities for domestic uses of one or more individuals;

- 2.9. “Guard Dog” shall mean a Dog trained to patrol privately owned, residential or non-residential property, whether or not accompanied by its Owner or someone acting on behalf of and with the authority of its Owner for the purposes of protecting said property against, inter alia, break-in, theft, trespass, and vandalism;
- 2.10. “Guide Dog” shall mean 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 under the provisions of the Blind Persons’ Rights Act RSA 2000, Chapter B-3 and amendments thereto;
- 2.11. “Kennel” shall mean 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;
- 2.12. “License” means an identification tag of metal or other material issued by the Village showing the license number of a specific animal;
- 2.13. “Livestock” means, such animals that have been domesticated for agricultural use or pets including, but not limited to a horse, a cow, a chicken, a sheep, a pig, a goat, a mule, but does not include Dogs or Domestic Animals;
- 2.14. “Offspring” shall mean the progeny of any animal while dependent upon its parents for the necessities of life, and which, without limiting the generality of the foregoing shall mean progeny under the age of six (6) months;
- 2.15. “Owner” shall mean any person owning, possessing or having the charge or control over Livestock or Domestic Animal or Dog and shall include the occupier of a house or premises, or where there are more occupiers than one in a house or premises let in separate apartments or lodgings, or otherwise, the occupier of that particular part of the house or premises, in which the Animal is kept, harbored or permitted to live or remain at the time a breach of this Bylaw is committed unless the aforesaid occupier established that he/she was not the owner of the Livestock or Domestic Animal or Dog at that time;
- 2.16. “Permitted Leash” shall mean a leash adequate to restrain the attached Dog which leash shall be no longer than two (2) meters;
- 2.17. “Poundkeeper” shall include the Animal Control Officer and any person or persons duly authorized to operate the Animal Shelter;
- 2.18. “Public Property Area” shall mean all property owned by or under the control and management of the Village and located within the Village limits;
- 2.19. “Running At Large” shall mean and include the situation where:
- (a) a Dog is on any place other than the parcel of land which the dwelling of the Owner of such Dog; and
 - (b) while on such place, the Dog is not being restrained by a Permitted Leash and under the effective control of the Owner or someone acting on behalf of and with the authority of the Owner as required by this Bylaw. The phrase “At Large” when used in this Bylaw shall be synonymous with “Running at Large”;
- 2.20. “Secure and Locked Pen” shall have secure sides and a secure top 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;

- 2.21. “Serious Wound” shall mean an injury resulting from a Dog bite, which causes the skin to be broken, or the flesh to be torn;
- 2.22. “Vicious Dog” shall mean any Dog which:
- (a) shows a propensity, disposition or potential to attack or injure, without provocation, humans or other animals;
 - (b) is a continuing threat of serious harm to humans or other animals;
 - (c) without provocation, chases any person in a threatening manner;
 - (d) has inflicted a Serious Wound upon a human or upon a Domestic Animal without provocation;
 - (e) is deemed to be dangerous by a Justice under the provisions of the Dangerous Dogs Act RSA 2000, Chapter D-3 and amendments thereto;
 - (f) is owned or harbored for the purpose of dog fighting.
- 2.23. “Village” shall mean the municipal corporation of the Village of Hughenden;
- 2.24. “Violation Ticket” means a ticket as defined in the Provincial Offences Procedure Act (R.S.A. 1988, Chapter 21.5) and amendments hereto

3. Control of Dogs

- 3.1. No person shall own more than three (3) Dogs over the age of six (6) months which are located on any property within the corporate limits of the Village.
- 3.2. Subsection 3.1 shall not apply to:
- (a) Premises used for the care and treatment of Dogs, operated by, or under an accredited or licensed veterinarian;
 - (b) Premises used for the operation of a pet store or a boarding or grooming business; and
 - (c) Offspring as per the definition in Subsection 2.14 of this Bylaw.
- 3.3. The Owner of a Dog shall not permit such Dog to be At Large within the corporate limits of the Village
- 3.4. When a Dog is found to be At Large, its Owner shall be deemed to have failed or refused to comply with the requirements of Subsection 3.3 of this Section
- 3.5. Subsections 3.3 and 3.4 shall further not apply in the case of a Guard Dog, where said Dog is actively engaged in patrolling privately-owned, residential or non-residential property provided:
- (a) the perimeter of the property being patrolled is sufficiently secured by way of a continuous fence or other form of barricade or barrier so as to prevent such Dog from escaping there from;
 - (b) signs are posted around the perimeter of the said property alerting the public that the said property is patrolled by a Guard Dog; and

- (c) the said Dog is under the effective control of its Owner, or someone over the age of eighteen (18) years acting on behalf of and with the authority of the Owner, as required by this Bylaw, while said person is in attendance on the property being patrolled.
- 3.6. The Village may post signs indicating those Public Property Areas within the Village wherein the presence of Dogs, whether At Large or under the control of the Owner, is expressly prohibited. The Owner of the Dog found in such assigned areas shall have committed an offence under this Bylaw. This Section shall not apply to a blind Owner of an Assisted Living Animal (i.e. Guide Dog), or a blind person being assisted by a Guide Dog or other form of Assisted Living Animal.
- 3.7. No Owner shall permit his Dog to cause Damage to Public or Private Property.
- 3.8. If any animal defecates on any public or private property other than the property of its Owner, the Owner shall cause such defecation to be removed immediately.
- 3.9. Subsection 3.8 shall not apply to a blind Owner of an Assisted Living Animal (i.e. Guide Dog), or a blind person being assisted by a Guide Dog or other form of Assisted Living Animal.
- 3.10. The Owner of any property where an Animal is kept shall maintain such property at all times in a clean, sanitary and inoffensive condition.
- 3.11. No Owner shall permit his Dog to bark or howl excessively.
- 3.12. Where a Dog disturbs the quiet of any person, the Owner of such Dog shall be deemed to have failed or refused to comply with the requirements of Subsection 3.11
- 3.13. The Owner of a Dog shall not permit his Dog to:
- (a) threaten or bite people;
 - (b) chase motor vehicles;
 - (c) chase people; or
 - (d) attack, harass, injure or kill pets belonging to other persons.
- 3.14. An Owner shall not be deemed to have failed or refused to comply with the requirements of Subsection 3.14 where his Dog threatens, chases, attacks or bites:
- (a) 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 said Dog pursuant to the provisions of Subsection 3.5 and 3.6 respectively of this Section; or
 - (b) a person who is physically abusing or teasing said Dog.
- 3.15. In addition to any other penalty that may be imposed under this Section, the Animal Control Officer or Poundkeeper may make a complaint under the Dangerous Dogs Act RSA 2000, Chapter D-3 for an Order directing, inter alia, that such Dog be controlled or destroyed.
- 3.16. The Owner of a Vicious Dog shall take all necessary steps to ensure that such Dog does not bite, chase or attack any person or other animal, whether the person or animal is on the property of the Owner or not.

- 3.17. The Owner of a Vicious Dog shall not permit, suffer or allow such Vicious Dog to be on any Public Property Area or private property that is not owned or under the control of such Owner, unless the Vicious Dog is:
- (a) muzzled;
 - (b) on a Permitted Leash; and
 - (c) under the effective control of the Owner or someone over the age of eighteen (18) years acting on behalf of and with the authority of the Owner as required by this Bylaw
- 3.18. Paragraphs 3.17(a) and 3.18(b) shall not apply where the Vicious Dog is confined within a Secure and Locked Pen.
- 3.19. Subsection 3.17 shall not apply in the case of a Guard Dog, where said Dog is actively engaged in patrolling privately owned, non-residential property in accordance with the provisions of Subsection 3.5 of this Section.
- 3.20. At all times while a Vicious Dog is on the property on which its Owner resides, the Owner shall either keep such Dog confined indoors and under the effective control of a person over the age of eighteen (18) years, acting on behalf of and with the authority of the owner as required by this Bylaw, or confined in a Secure and Locked Pen capable of preventing the entry of young children.
- 3.21. Where a Vicious Dog is on private property owned by, or under the control of its Owner, said Owner shall not allow the Vicious Dog to be outdoors or out of a Secure and Locked Pen unless the Vicious Dog is on a Permitted Leash and under the effective control of the Owner or someone over the age of eighteen (18) years acting on behalf of and with the authority of the Owner as required by this Bylaw.
- 3.22. Subsection 3.21 shall not apply in the case of a Guard Dog, where said Dog is actively engaged in patrolling privately owned, non-residential property or under the control of its Owner, or someone over the age of eighteen (18) years acting on behalf of and with the authority of the Owner in accordance with the provisions of Subsection 3.5 of this Section.
- 3.23. When the Animal Control Officer or Poundkeeper determines that a Dog is a Vicious Dog either through personal observation or after an investigation initiated by a complaint, he/she shall in writing:
- (a) inform the Owner that said Dog has been determined to be a Vicious Dog;
 - (b) require the Owner to keep said Dog in accordance with the provisions of this Bylaw respecting Vicious Dogs;
 - (c) inform the Owner that, if said Vicious Dog is not kept in accordance with the provisions of this Bylaw with respect to Vicious Dogs, the owner will be fined, or subject to enforcement action pursuant to Section 3.25 of this Section.
- 3.24. In addition to the remedies set forth in this Bylaw, if the Animal Control Officer or Poundkeeper determines that a Vicious Dog is not being kept in accordance with this Bylaw, he/she shall:
- (a) 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;

- (b) 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 Village.

3.25. Where a Dog is deemed to be dangerous pursuant to the provisions of the Dangerous Dogs Act RSA 2000, Chapter D-3 or is determined to be a Vicious Dog pursuant to the provisions of this Bylaw, the Owner of such Dog shall:

- (a) post signs on his or her premises alerting the public that a Vicious Dog is located on said premises;
- (b) not breed or sell such Dog within the Village; and
- (c) notify the Animal Control Officer or Poundkeeper should said Dog be At Large

4. Control of Domestic Animals

4.1. Any person keeping birds or rabbits pursuant to this Section, shall keep same in one or more Secure and Locked Pens, kept in a clean and sanitary condition. The pens may not be closer than one and one half (1 ½) meters from the nearest property boundary.

4.2. An Animal Control Officer is authorized to investigate any complaints arising from the keeping of Domestic Animals. Where, pursuant to said investigation, the Animal Control Officer determines that:

- (a) the Domestic Animals are not being kept in accordance with the provisions of this Bylaw; or
- (b) the said Domestic Animals have caused damage to the property of another person, the Animal Control Officer may direct the Owner of said Domestic Animals to comply with the provisions of this Bylaw and without limiting the generality of the foregoing, may direct the said Owner to restrain, dispose of, or destroy same.

5. Control of Livestock

5.1. No person shall keep or harbour any Livestock on any parcel of land that is classified as one of the following Land Use Districts by the Land Use Bylaw:

- (a) Residential (R) District
- (b) Commercial (C) District
- (c) Highway Commercial/ Industrial (CM) District
- (d) Industrial (M) District
- (e) Community (P) District
- (f) Institutional (I) District
- (g) Urban Reserve (UR) District

5.2. No person shall keep or harbour any Livestock on any parcel of land that is classified as Residential Large Lot (RL) District by the Land Use Bylaw in excess of one (1) Animal Unit per parcel of land.

6. Capture and Impoundment

6.1. The Animal Control Officer is authorized to capture and impound all Dogs or Domestic Animals found contrary to the provisions of this Bylaw.

- 6.2. Impounded animals will have their photo posted on the Village of Hughenden facebook page and on the bulletin board.
- 6.3. The Animal Control Officer may, in attempting to capture a Dog or Domestic Animal found to be in contravention of this Bylaw, employ the use of bait or any device or other suitable means to apprehend the animal provided that:
- (a) It is not prohibited by law; and
 - (b) It is employed with due respect for humaneness to the animal.
- 6.4. Capture by means of a “live trap” may be allowed and will be carried out by a designate of the Village who will check the trap at regular intervals and notify the Village or Animal Control Officer when an animal has been captured.
- 6.5. In enforcement of the jurisdiction provided in Subsection 6.1, the Animal Control Officer is hereby authorized to enter any privately-owned premises at reasonable times.
- 6.6. The authority of an Animal Control Officer to enter privately-owned premises does not extend to include the entry of a building used as a dwelling house.
- 6.7. The Poundkeeper shall keep all Dogs or Domestic Animals captured and impounded pursuant to the provisions of this Bylaw for a period of at least seventy-two (72) hours excluding Sundays and statutory holidays.
- 6.8. During this period, any Dog or Domestic Animal may be redeemed by its Owner or agent of the Owner upon payment of:
- (a) the appropriate fine, where applicable, payable to the Village;
 - (b) a per diem impounding fee, as established per the Animal Shelter, payable to the Contractor.
- 6.9. If a Dog or Domestic Animal is not redeemed within the seventy-two (72) hours referred to in Subsection 6.6, said Dog or Domestic Animal:
- (a) may be destroyed in a humane manner; or
 - (b) sold to a person other than the Owner, upon payment to the Village of all applicable fees and fines as referred to in Subsection 6.7.
- 6.10. The Poundkeeper shall report any apparent illness, communicable disease, injury or unhealthy condition of any impounded Dog or Domestic Animal to a veterinarian and act immediately upon the veterinarian’s recommendations. The Owner of the Dog or Domestic Animal may be responsible for all resulting charges.
- 6.11. When, in the judgment of a licensed veterinarian, a Dog or Domestic Animal should be destroyed for humane reasons, such Dog or Domestic Animal may not be redeemed.
- 6.12. 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 under Section 6.8.
- 6.13. Where a Dog or Domestic Animal has inflicted a Serious Wound, the person who has received the said wound, or the Owner of said Dog or Domestic Animal, where said Owner is

aware of the Serious Wound being inflicted, shall promptly report the occurrence to the Animal Control Officer.

- 6.14. Upon demand of the Animal Control Officer, the Owner shall forthwith surrender any Dog or Domestic Animal which has inflicted a Serious Wound upon any person.
- 6.15. Where a Dog or Domestic Animal is captured pursuant to this Section, the Animal Control Officer may quarantine such Dog or Domestic Animal, which shall not be released from such quarantine except by written permission of a licensed veterinarian.
- 6.16. Quarantine shall be at the Animal Shelter.
- 6.17. Dogs or Domestic Animals deemed to be a nuisance, whose Owner(s) fail to restrain, correct, or control the offending Dog or Domestic Animal or, a Dog or Domestic Animal without known Owners who are deemed to be a nuisance, are liable to capture and impoundment.
- 6.18. A person is guilty of an offense if he/she:
 - (a) abuses or injures any Dog or Domestic Animal;
 - (b) kills a Dog or Domestic Animal, except in the case actions related to Subsection 6.8 in this Bylaw
 - (c) teases or torments any Dog or Domestic Animal;
 - (d) without the permission of the Owner, unities, loosens or otherwise frees a Dog or Domestic Animal which is not in distress; or
 - (e) interferes with, hinders, or impedes an Animal Control Officer in the performance of any duty authorized by this Bylaw.

7. Penalty Provisions

- 7.1. Any person who contravenes any provision of the Bylaw is guilty of an offense and is liable to a fine not more than Two Thousand, Five Hundred Dollars (\$2,500.00) and not less than a fine of One Hundred Dollars (\$100.00).

8. Enforcement and Collection

- 8.1. Where an Animal Control Officer has reasonable grounds to believe that a person has contravened any provision of this Bylaw, the Animal Control Officer may commence proceedings against such person by
 - (a) issuing a Violation Ticket pursuant to the provisions of Part 2 of the Provincial Offences Procedure Act; or
 - (b) swearing out an Information and Complaint against the person
- 8.2. Where an Animal Control Officer issues a person a Violation Ticket in accordance with Section 8.1 of this Bylaw, the Officer may:
 - (a) allow the person to pay the specified penalty as provided for in Section 7.1 of this Bylaw by indicating such specified penalty on the Violation Ticket; or

- (b) require a Court appearance of the person where the Animal Control Officer believes that such appearance is in the public interest, pursuant to the provisions of Part 2 of the Provincial Offences Procedure Act.

8.3. The Animal Control Officer is hereby authorized and empowered to issue a Violation Ticket to any person who the Animal Control Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

8.4. A Violation Ticket may be issued to such person either personally or by mailing a single registered copy to such person at their last known address or upon retrieval of such person's animal from impoundment.

8.5. A Violation Ticket may be issued together with a photo of the offending animal and may be issued either personally or by mailing a single registered copy to such person at their last known address.

8.6. The Violation Ticket shall state:

- (a) the name and address of the offender if ascertainable;
- (b) the offence;
- (c) the appropriate penalty of the offense as specified in "Schedule A" of the Bylaw;
- (d) that the penalty shall be paid within twenty-one (21) days of the issuance of the Violation Ticket.

8.7. Where a contravention of this Bylaw is of a continuing nature, further Violation Tickets may be issued by the Animal Control Officer, provided however, that no more than one Violation Ticket shall be issued for each day that the contravention continues.

8.8. Animal owners with unpaid Violation Tickets at the end of the year will receive a notification that any unpaid balances will be added to the dog owners tax roll on January 2 of the following year.

9. Licensing Provisions

9.1. Any person who resides within the corporate limits of the Village and becomes the owner of a animal over the age of six (6) months or takes up residence within the Village and is the owner of a animal over the age of six (6) months shall obtain a license tag for that animal by paying the license fee as set out in "Schedule C" within one (1) month after becoming an owner of the animal or taking up residence within the Village.

9.2. Any person who resides within the corporate limits of the Village and is or becomes the owner of a animal, or takes up residence within the Village and is the owner of a animal shall obtain a license for that animal by paying the license fee as set out in "Schedule C" within one (1) month after taking up residence within the Village.

9.3. The application for an annual license for the cat(s) shall be accompanied by a photo of said animal. Photos may be either digital or paper.

9.4. If an annual license is obtained under Section 9.1 for a particular animal, then the owner of that animal shall before the 31st of January in each calendar year, obtain an annual license tag for that animal by paying the annual license tag fee as set out in "Schedule C" of this Bylaw

9.5. A animal Owner shall provide the Village the following information with each application for a animal License:

- (a) Name, telephone number, and street address of the Owner;
- (b) Name of the animal to be licensed;
- (c) The breed or breed(s) of the animal; and
- (d) Such other relevant information as may be required by the Village in respect to the License application

9.6. A License issued under this Bylaw shall not be transferable from one animal to another, nor from one Owner to another.

9.7. An Owner shall ensure that the License Tag is securely attached to a choke chain, collars or harness worn by the animal, with the License Tag visible and worn by the animal at all times when the animal is on the any property other than the property of the animal Owner.

9.8. An Owner of a animal which has been licensed under this Bylaw may obtain a replacement License Tag to replace a Tag that has been lost or damage upon payment of the fee as set out in "Schedule C" of this Bylaw.

9.9. An Owner of an unlicensed animal is guilty of an offense.

10. Repeal

10.1 THIS BYLAW SHALL REPLACE Bylaw No. 466-08 and amendments thereto which is hereby rescinded upon this bylaw coming into force.

READ A FIRST TIME IN COUNCIL THIS 28th DAY OF July, A.D. 2015,

MAYOR

CHIEF ADMINISTRATIVE OFFICER

READ A SECOND TIME IN COUNCIL THIS 28th DAY OF July, A.D. 2015,

MAYOR

CHIEF ADMINISTRATIVE OFFICER

READ A THIRD TIME IN COUNCIL THIS 28th DAY OF July, A.D. 2015,

MAYOR

CHIEF ADMINISTRATIVE OFFICER

**SCHEDULE A
PENALTIES**

1. No License	\$100.00
2. First Offence – Licensed Animal	\$100.00/offence/animal
3. First Offence – Unlicensed Animal	\$250.00/offence/animal
4. Second or subsequent offence within a 12 month period	\$250.00/offence/animal

**SCHEDULE B
RESTRICTED DOGS**

1. Impoundment Fee	As per rate established
2. Boarding Fee	by the Animal Shelter

**SCHEDULE C
ANNUAL LICENSING FEES**

1. First Animal Licensed	\$15.00
2. Additional Animal Licensed	\$25.00
3. Lifetime License (first animal)	\$40.00
4. Lifetime license (additional animal)	\$50.00/each
5. Replacement License Tag	\$5.00