

BY-LAW 466-08
ANIMAL CONTROL BYLAW
VILLAGE OF HUGHENDEN

A Bylaw to replace to Bylaw 423 to provide for the regulating, controlling, and confinement of animals in the Village of Hughenden.

WHEREAS, pursuant to the provisions of the Municipal Government Act, 1994, Chapter M26. 1, R.S.A., Municipal council may pass bylaws regarding domestic animals and activities in relation to them.

NOW THEREFORE, the council of the Village of Hughenden, in the Province of Alberta, duly assembled, under the authority and pursuant to the provisions of the Municipal Government Act, does hereby enact:

1. TITLE

1.1 This bylaw shall be known as the "Animal Control Bylaw"

2. DEFINITIONS

2.1 "Dog" means either the male or female of any domesticated canine species

2.2 "Animal(s)" defined shall include, but not limited to all domesticated or wild animal, fowl or reptiles.

2.3 "Animal Control Officer" means the person appointed by the Village of Hughenden to carry out the provisions under the bylaw and includes a member of the Royal Canadian Mounted Police, Village employees, and, when authorized, a Community Peace Officer.

2.4 "Muzzle" means any humane device which prevents a dog from biting or otherwise injuring with its mouth any person, animal or property.

2.5 "Owner" means:

2.5.1 A person who has the care, charge, custody, possession or control of an animal;

2.5.2 A person who owns or who claims any proprietary interest in an animal;

2.5.3 A person who harbors or permits an animal to be present on any property owned or under his control;

2.5.4 A person who claims and receives an animal from the custody of the Pound;

For the purpose of the Bylaw an animal may have more than one (1) owner.

2.6 "Permitted Leash" means a leash adequate to control the dog to which it is attached.

2.7 "Possession" means:

2.7.1 having physical or effective control of a dog.

2.7.2 having given physical or effective control of a dog to another person for the purpose of controlling the dog for a period of time.

2.7.3 Where one of two or more persons have physical or effective control of a dog, it shall be deemed to be in control of each and all of them.

2.8 "Property of the Owner" means any real property that is owned by the owner of that the owner has been given permission to use by the legal owner or person in legal control of the property.



- 2.9 "Running at Large" means:
- 2.9.1 A dog that is off the property of its owner or property of the person in the possession of the dog, and
 - 2.9.2 Is not on a leash, and
 - 2.9.3 Is not under the immediate, continuous and effective control of its owner or person in the possession of the dog.
- 2.10 "Secure Enclosure" means a building, cage or fenced area of such construction that will not allow the confined dog or dogs to escape from that enclosure or allow unauthorized access from the outside.
- 2.11 "Village" means Village of Hughenden.
- 2.12 "Pound" means a premises designated by the Village for the impoundment and care of dogs.
- 2.13 "Violation Tag" means a ticket as defined in the Provincial Offences Procedure Act (R.S.A. 1988, Chapter 21.5) and amendments thereto.
- 2.14 "Vicious Dog" means:
- 2.14.1 Any dog with a known propensity, tendency or disposition to attack, without provocation, any person or animal;
 - 2.14.2 Any dog which has been deemed to be dangerous by a Justice, under the provisions of the Dangerous Dog Act, R.S.A. 1980 and amendments thereto;

3. DOG CONTROL PROVISIONS

- 3.1 An owner of a dog is guilty of an offense if the dog:
- 3.1.1 Is Running at Large;
 - 3.1.2 Barks or howls so as to disturb the quiet or repose of any person;
 - 3.1.3 Has damaged any public property or private property not belonging to owner within the corporate limits of the Village;
 - 3.1.4 Bites, attacks, runs at, or attempts to bite, any person;
 - 3.1.5 Threatens or harasses any person;
 - 3.1.6 Chases any person who is on foot or bicycle; or
 - 3.1.7 Attacks, harasses, injures or kills any animal belonging to any person while the dog is not on the property of the owner.
- 3.2 Subject to Section 3.4 and 4.1 no person shall own more than two (2) dogs over the age of six (6) months which are located on any property within the corporate limits of the Village.
- 3.3 Notwithstanding any provisions to the contrary in the Bylaw, no more than (2) dogs over the age of six (6) months shall be ordinarily resident in a household within the corporate limits of the Village.
- 3.4 An Owner who owns more than two (2) dogs over the age of six (6) months is guilty of an offence.
- 3.5 Sections 3.2, 3.3, and 3.4 shall not apply to:
- 3.5.1 Premises used for the care and treatment of dogs, operated by, or under the accredited licensed veterinarian;



- 3.5.2 Any premises which may be used for the purpose of a Dog show;
- 3.5.3 The owner or operator of a pet store or a boarding or grooming business.
- 3.6 A person is guilty of a offence if he/she;
 - 3.6.1 Abuses or injures any dog;
 - 3.6.2 Kills a dog of which he/she is not the Owner except in the case of the Animal Control Officer acting pursuant to section 5.4, a licensed Veterinarian or anyone killing a dog under direction of the Veterinarian;
 - 3.6.3 Teases, torments or annoys any dog;
 - 3.6.4 Without the permission of the Owner, unties, loosens or otherwise frees a dog which is not in distress; or
 - 3.6.5 Interferes with, hinders and impedes an Animal Control Officer in the performance of any duty authorized by this Bylaw.
- 3.7 An Owner who fails to ensure that any defecation by his/her dog is immediately removed and disposed of in a sanitary manner while that dog is not on the property of the Owner, is guilty of an offense.

4. VICIOUS DOGS

- 4.1 If an Animal Control Officer reasonably believes that a dog is a vicious dog, the Animal Control Officer and a representative of council shall in writing inform the Owner of that dog that;
 - 4.1.1 The dog has been determined to be a vicious dog; and
 - 4.1.2 The dog must be kept in accordance with the vicious dog provisions of Bylaw.
- 4.2 In addition to the remedies set forth in this Bylaw, if the Animal Control Officer determines that a Vicious Dog is not being kept in accordance with the provisions of the Bylaw, he may file a complaint pursuant to the Dangerous Dog Act for an order directing the dog be controlled or destroyed.
- 4.3 An Owner of a vicious dog shall, at all times when such dog is on the property of the Owner, post each entrance to that property with a clearly visible warning sign which warns that a vicious dog is on the property.
- 4.4 An Owner who fails to post warning signs as required in Section 4.2 is guilty of an offense.
- 4.5 An Owner of a Vicious Dog is guilty of an offense:
 - 4.5.1 If his/her dog is not at all times, while on the property, of the Owner confined within a Secure Enclosure, unless such dog is on a Permitted Leash held and controlled by the Owner; or
 - 4.5.2 If his/her dog is not, at all times while on property which is not the property of the Owner, confined in a Secure Enclosure, unless such Vicious Dog is wearing a Muzzle and is on Permitted Leash held and controlled by the Owner.

5. POWERS OF A DOG CONTROL OFFICER

- 5.1 Except as otherwise provided herein, an Animal Control Officer or any other person acting under the authority of an Animal Control Officer is hereby empowered to carry out the duties described herein and to enforce the provisions of the bylaw.

- 5.2 An Animal Control Officer or a person acting under the authority of an Animal Control Officer is authorized to capture and impound in the Pound any animal that is in contravention of this Bylaw.

CAPTURE AND IMPOUNDMENT

- A) The Animal Control Officer or any person may capture and impound any animal running at large contrary to any provision of this bylaw.
- B) When necessary, the Animal Control Officer or any person, may in attempting to capture an 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.
- C) Where an animal is on any private property without the permission of the Owner or Occupant, the Animal Control Officer or any person enforcing this bylaw, may enter such property other than a dwelling house to apprehend the animal.
- 5.3 An impounded animal may be kept in the Pound for period of seventy-two (72) hours. Days that the pound is closed shall not be included in the computation of the seventy-two (72) hours period. During this period, any animal may be redeemed by its Owner, upon payment to the Village or its authorized agent of:
- 5.3.1 The impoundment fee and boarding fee as set out in "Schedule B" of the Bylaw;
 - 5.3.2 The cost of any veterinary treatment of an animal incurred during impoundment;
 - 5.3.3 The penalty referred to in "Schedule A".
- 5.4 Upon having been impounded in the Pound for a period of seventy-two (72) hours, the animal shall become property of the Village and the Animal Control Officer is authorized to:
- 5.4.1 Offer the animal for sale;
 - 5.4.2 Have the animal destroyed in a humane manner;
 - 5.4.3 Allow the animal to be redeemed by its owner in accordance with the provisions of Sections 5.3 herein, or;
 - 5.4.4 Continue to impound the animal for an indefinite period of time.
 - 5.4.5 Put any animal up for adoption by another owner.
- 5.5 Any animal found at large falls within the jurisdiction of this bylaw.
- 5.6 Animals deemed to be a nuisance, whose owners fail to restrain, correct or control an offending animal or animals without known owners who are deemed to be a nuisance are liable to capture and impoundment.
- 5.6.1 Capture by means of a "live trap" may be allowed either by a resident of the Village or a designate of the Village of Hughenden who will check the trap at regular intervals and notify the Village or its designate when an animal has been captured as per Section 5 disposition of which Section 5.3 and 5.4 shall go into effect.

6. PENALTY PROVISIONS

- 6.1 Any person who contravenes any provision of the Bylaw is guilty of an offense and is liable to a fine of not more than Two Thousand, Five Hundred Dollars (\$2500.00) and not less than a fine of One Hundred Dollars (\$100.00).

7. ENFORCEMENT

- 7.1 Where a 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 the person 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.
- 7.2 Where a Animal Control Officer issues a person a Violation Ticket in accordance with section 8.1 of this Bylaw, the Officer may either:
- a) Allow the person to pay the specified penalty as provided for in section 6.1 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.
- 7.3 An Animal Control Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Animal Control Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 7.4 A Violation Tag may be issued to such person;
- 7.4.1 Either personally; or
 - 7.4.2 By mailing a single registered copy to such person at their last known address; or
 - 7.4.3 Upon retrieval of such persons dog from the Pound
- 7.5 The Violation Tag shall state;
- 7.5.1 The name and address of the offender if ascertainable;
 - 7.5.2 The offence;
 - 7.5.3 The appropriate penalty of the offense as specified in "Schedule A" of the Bylaw;
 - 7.5.4 That the penalty shall be paid within twenty-one (21) days of the issuance of the Violation Tag.
- 7.6 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by the Animal Control Officer, provided however, that no more than one Violation Tag shall be issued for each day that the contravention continues.

8. LICENSING PROVISIONS

- 8.1 Any person who resides within the corporate limits of the Village and becomes the owner of a dog over the age of six (6) months or takes up residence within the Village and is the owner of a dog over the age of six (6) months shall obtain a license tag for that dog by paying the license fee as set out in "Schedule C" within one (1) month after becoming owner of the said dog or taking up residence within the village
- 8.2 If an annual license is obtained under Section 8.1 for a particular dog, then the owner of that dog shall before the thirty-first (31) of January in each calendar year, obtain an



annual license tag for that dog by paying the annual license tag fee as set out in "Schedule C" of this Bylaw.

- 8.3 In the prosecution or proceedings of contravention of this Bylaw, the burden of proof relating to age of the dog shall be upon the owner and unless the contrary is proven, the dog shall be presumed to have attained the age of six (6) months at the time of the charge.
- 8.4 A Dog owner shall provide to the Village the following information with each application for a Dog License;
 - 8.4.1 Name, telephone number and street address of the Owner;
 - 8.4.2 Name of the dog to be licensed;
 - 8.4.3 The breed or breeds of the dog, and
 - 8.4.4 Such other relevant information as may be required by the Village in respect to the License application.
- 8.5 A License issued under this Bylaw shall not be transferable from one dog to another, nor from one owner to another.
- 8.6 An Owner shall ensure that the License Tag is securely attached to a choke chain, collars or harness worn by the dog, with the License Tag Visible and worn by the dog at all times when the dog is on property other than the property of the dog owner.
- 8.7 An Owner of a dog which has been licensed under this Bylaw may obtain a replacement License Tag to replace a tag which has been lost or damaged upon payment of the fee as set out in "Schedule C" of this Bylaw.
- 8.8 An Owner of an unlicensed dog is guilty of an offense.

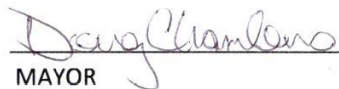
9. REPEAL


- 9.1 THE BYLAW SHALL REPLACE Bylaw no. 423 and amendments thereto which is hereby rescinded upon this bylaw coming into force.

Read a first time this 17th day of June, A.D., 2008

Read a second time this 17th day of June, A.D., 2008

Read a third time and finally passed by council this day 17th of June, A.D., 2008


MAYOR


CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A"
PENALTIES

1. NO License	\$100.00
2. First Offence	\$100.00
3. Second or subsequent offense within a twelve month period	\$250.00

SCHEDULE "B"
RESTRICTED DOGS

1. Impoundment Fee	As per rate established
2. Boarding Fee	by Pound

SCHEDULE "C"
ANNUAL LICENSING FEES

1. All Dogs	\$10.00
2. Replacement License Tag	\$5.00