

BYLAW #526-23

ANIMAL CONTROL BYLAW

VILLAGE OF HUGHENDEN

A Bylaw 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, in the Province of Alberta, duly assembled, under the authority, and the pursuant to the provisions of the Municipal Government Act does hereby enact:

1. This Bylaw may be cited as the "Animal Control Bylaw"
2. **Definitions**
 - a) "Animals" shall include but not limited to all domesticated of wild animals, fowl or reptiles.
 - b) "Bylaws Enforcement Officer", means a person appointed by the Village of Hughenden to carry out the provision under this Bylaw and includes a member of the Royal Canadian Mounted Police or a Community Peace Officer.
 - c) "Pound" means the premises designated by the Village for the purposes of impoundment and care of animals.
 - d) "Muzzle" means a device of sufficient strength placed over an animal's mouth to prevent it from biting.
 - e) "Owner" means:
 1. A person who has the care, charge, custody, possession or control of an animal;
 2. A person who owns or who claims any proprietary interest in an animal;
 3. A person who harbors or permits an animal to be present on any property owned or under his control;
 4. A person who claims and received an animal from the custody of a pound. For the purposes of the Bylaw, an animal may have more than one (1) owner.
 - f) "Public Building" means any public building in the Village of Hughenden, including but not limited to any building, hall, arena.
 - g) "Livestock" means and includes only 2 of any of the following: any horse, cattle, sheep, swine, donkeys, goats, buffalo, elk, llama and fur bearing animals raised in captivity.
 - h) "Poultry" means and includes only 2 of any of the following: chickens, turkeys, geese, pigeons, ducks and ornamental birds.
 - i) "Dog" means either the male or female of any domesticated canine species.
 - j) "Cat" means either the male or female of any domesticated feline species.
 - k) "Leash" means a leash that is:
 1. Adequate to control the dog to which it is attached;
 2. Securely attached to the dog by a collar, choke collar or harness.
 - l) "Possession" means:
 1. Having a physical or effective control of a dog;
 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;

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

- m) "Owners Property" means any property in which the owner has a legal or equitable interest or which is otherwise under the control or is in the possession of the owner, and which property shall include land, buildings and vehicles.
- n) "Run at Large" means when an animal is off the property of its owner and not under his immediate, continuous and effective control. Without restricting the generality of the foregoing, any animal shall be deemed to be running at large when it is found on any highway, park, or any other publicly owned property or on private premises without the permission of the owners or occupants thereof.
- o) "Vicious Dog" means:
 - 1) A dog declared to be a vicious dog by Section 13(b) of the Bylaw;
 - 2) Any dog which has been deemed to be dangerous by a Justice, under the provision of the Dangerous Dog Act, R.S.A 2000 and amendments thereto.
- p) "Severe Injury" means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery.

3. Each provision of the Bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a court of competent jurisdiction, all other provisions of the Bylaw remain valid and enforceable.

4. Any headings or subheadings in the Bylaw are included for guidance purposes and convenience only, and shall not form part of this Bylaw.

5. All the schedules attached to this Bylaw shall form part of this Bylaw.

6. Running at Large

- a) No person being the owner of an animal shall allow such animal to run at large.

7. Threatening or Nuisance Behaviors

Any Owner of an animal which;

- a) bites or chases a person or other animal;
- b) bites or chases any motor vehicle or bicycle;
- c) barks, howls or otherwise conducts itself in such a fashion as to alarm or cause any person to fear for their physical safety;
- d) barks, howls or otherwise conducts itself in such a fashion as to disturb any person, or in the opinion of a Bylaw Enforcement Officer is likely to disturb any person.
- e) bites a person causing a severe injury;
- f) causes the death of another animal;
- g) causes any damage whatsoever to any property or any injury whatsoever to any person or other animal;

- h) is at any time within a public building;
- i) is at any time upon any property where the animal is prohibited as indicated with an authorized sign or other marking; or
- j) upsets any waste receptacle or scatters the contents thereof, whether or not the animals are running at large, is guilty of an offence.

8. Livestock/Poultry

No person shall keep or harbor 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

8.1 No person shall keep or harbor any Livestock on any parcel of land that isn't classified as Residential Large Lot (RL) District by the Land Use Bylaw in excess of one (2) Livestock or (2) Poultry unit per parcel of land.

9. Unattended Animals

a) The owner of an animal shall ensure that such an animal is not left unattended while tethered or tied up on a property where the public has access, whether the right of access is expressed or implied.

b) The owner of an animal shall not allow the animal when tethered or tied up in a residential yard to get closer than 1.5 meters to the property line.

10. Removing Excrement

a) If an animal defecates on any public or private property other than the owner's property, the owner shall remove the feces immediately.

b) An owner of a dog shall carry a suitable means of removing dog feces at all times while the dog is in custody of the owner on property other than the owner's property.

11. Owners Property

a) An owner shall at all times keep the property where the animal is kept in a clean and tidy condition. For purposes of this section, "clean and tidy condition" means clean and tidy in the opinion of a Bylaw Enforcement Officer, acting reasonably. No person shall allow an excessive accumulation of feces or excessive odor associated with urine or feces.

12. Dog and Cat Ownership Limits

a) No person shall own, keep or harbor or allow to be kept or harbored on that person's property more than three (3) dogs and (3) cats aged six months or more. On the date this Bylaw comes into force a person shall be permitted to keep those dogs and cats, but shall not be permitted to replace dogs or cats, which exceeds the maximum allowed under this subsection.

b) Subsection 12 (a) does not apply to premises lawfully used for a retail pet sales business or the care, maintenance and treatment of dogs and cats operated by a licensed veterinarian licensed animal groomer or any premises that are temporarily used for the purpose of a lawful dog show.

13. Vicious Dogs

a) If a Bylaw Enforcement Officer believes on reasonable and probable grounds that a dog has:

- i. chased, injured or bitten a person or other animal;
- ii. damaged or destroyed any property;
- iii. threatened or created the reasonable apprehension of a threat to a person or other animal; or

iv. been previously determined to be a dangerous dog and the Dangerous Dog Act RSA 2000, c D-3, the Bylaw Enforcement Officer may seize and impound the dog at the Animal Control Shelter and recommend to the Administrator that the dog be declared a vicious dog.

b) Upon receipt of a recommendation from the Bylaw Enforcement Officer pursuant to Subsection 13 (a), the Administrator may declare the dog to be a vicious dog.

c) If the Administrator has declared the dog to be a vicious dog, a Bylaw Enforcement Officer shall provide written notification of the declaration to the dog's owner. The notification will be by registered mail.

d) A person received a notice from a Bylaw Enforcement Officer pursuant to Subsection 13 (c) may appeal the declaration by giving written notice of the appeal and the reasons therefore to the Village of Hughenden Administrator within ten (10) days of receiving the declaration from the Bylaw Enforcement Officer.

e) Upon receipt of an appeal pursuant to Subsection 13 (d), Council shall establish an appeal committee by resolution.

f) The appeal committee upon hearing the appeal may uphold the decision of the Administrator or allow the appeal.

14. The owner of a vicious dog shall at all times ensure that:

- a) The vicious dog does not
 - i. Threaten or create the reasonable apprehension of a threat to a person or other animal;
 - ii. Chase a person or other animal;
 - iii. Bite a person or other animal;

- iv. Otherwise injure a person or other animal or
- v. Damage or destroy any property.

b) When a vicious dog is on the owner's property, either;

i. The vicious dog shall be confined indoors, in a manner that shall not allow the vicious dog to escape the residence or other indoor structure; or

ii. The vicious dog shall be confined in controlled confinement that shall not allow the vicious dog within one and one half (1.5) meters of the property line or within five (5) meters of a neighboring residence and which shall provide the vicious dog shelter from the elements.

15. The owner of a vicious dog shall at all times ensure that when the vicious dog is not on the owner's property the vicious dog is:

a) muzzled and

b) Secured on a leash not longer than one (1) meter, held by a person at least eighteen (18) years of age, in a manner that prevents it from threatening, chasing, injuring or biting any person or other animals and from damaging destroying any property.

16. The owner of a vicious dog shall at all times ensure that the vicious dog is not running at large.

17. a) The owner of a vicious dog shall obtain and maintain liability insurance satisfactory to the Village of Hughenden Administrator, specifically covering any damages for personal injury and property damage caused by the vicious dog in an amount not less than Two Million Dollars (\$2,000,000.00) per occurrence.

b) Subject to Section 17, the owner of a vicious dog shall provide proof of the insurance required by Subsection 17 (a) to the Administrator not later than fifteen (15) days following the declaration of the dog as a vicious dog.

c) If an owner appeals a declaration of the Administrator pursuant to Subsection 13(b), the owner is not obligated to obtain insurance unless the appeal committee upholds the decision of the Administrator, in which case the owner will have fifteen (15) days following receipt of the Administrator.

18. Seizure

a) A Bylaw Enforcement Officer may capture and impound any animal:

i. In respect of which there are reasonable and probable grounds to believe that an offence under this Bylaw is being committed; or

ii. Which is required or permitted to be impounded pursuant to the provision of any statute of Canada or the Province of Alberta, or any regulation made thereunder.

b) A Bylaw Enforcement Officer may, after complying with Section 542 of the MGA RSA 2000c.M-26, enter on private property for the purposes of capturing and impounding a barking dog.

19. Animal Control

a) A Bylaw Enforcement Officer may enter upon the land surrounded by any building for the purposes of pursuing any animal which has been observed running at large.

b) No person shall do anything or omit to do anything where such act or omission has or may have the effect of obstructing, hindering or impeding a Bylaw Enforcement Officer from doing anything in furtherance of the carrying out or enforcement of any provision of the Bylaw.

20. Impoundment

The Village of Hughenden may contract with any person, firm or body corporate for the purpose of maintaining an animal control facility of such design and size and in such location that the Administrator may from time to time direct and for the purposes of this Bylaw any such facility as the Animal Control Shelter.

21. An owner of an impounded animal may reclaim the animal upon payment to the designated pound an amount equal to:

a) The total of all impoundment fees, care and sustenance charges, any reasonable veterinary expenses incurred by the Bylaw Enforcement Officer in respect of an animal during the period of impoundment.

22. When an animal has been in the Animal Control Shelter for seventy-two (72) hours or more and the owner of the animal has not reclaimed it in accordance with Section 21 of this Bylaw, the Enforcement Officer may:

a) Destroy the animal;

b) Offer the animal for sale at a price set by the Administrator;

c) Retain the animal in the Animal Control Shelter for such further period of time as the Bylaw Enforcement Officer thinks advisable in the circumstances;

i. Turn the animal over to the S.P.C.A for adoption,

d) For the purposes of calculating the length of the time an animal has been impounded, statutory holidays shall not be included in the calculation.

e) An impounded animal that is without any form of identification and in the opinion of a Bylaw Enforcement Officer is deemed to be feral, dangerous or seriously injured, may immediately dispose of by:

i. relocating the animal to a suitable location with the permission of that location's landowner;
or

ii. euthanizing the animal in a humane manner.

f) Any domestic animal in the possession of an individual caught running at large in the Village of Hughenden may turn the animal in to the Bylaw Enforcement Officer to be dealt with, in accordance with Section 22.

23. Licensing Provisions

a) Any person who resides within the corporate limits of the Village of Hughenden and becomes the owner of an animal over the age of six (6) months or takes up residence within the Village and is the owner of an animal over the age of six (6) months shall obtain a license tag.

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

c) An animal Owner shall provide the Village the following information with each application for an animal License:

i. name, telephone number, and street address of the owner;

ii. name of the animal to be licensed;

iii. the breed or breed(s) of the animal; and

iv. such other relevant information as may be required by the Village in respect to the License application.

d) A license issued under this Bylaw shall not be transferable from one animal to another, nor from one owner to another.

e) 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 any property other than the property of the animal owner.

f) An owner of an animal which has been licensed under this Bylaw may obtain a replacement "license tag" to replace a tag that has been lost or damaged.

g) An owner of an unlicensed animal is guilty of an offense.

24. Offences and Penalties

General penalty Provisions

a) Where a Bylaw Enforcement Officer believes on reasonable and probable grounds that a person has contravened any provision of the Bylaw, the Bylaw Officer may commence proceedings by issuing a summons by means of a violation ticket in accordance with Part 2 of the Provincial Offences Procedure Act RSA 2000 e.P-34.

b) The specified penalty in respect of a contravention of this Bylaw is the amount set out in Schedule "A" of this Bylaw.

c) Pursuant to Subsection 27 (2) (d) of the Provincial Offences Procedure Act, if the summons issued by a Bylaw Enforcement Officer under Subsection 23(a) so provides, the person named in the summons may make a voluntary payment in the amount set out in Schedule "A" of this Bylaw, and upon making the voluntary payment, that person is not required to appear before a justice to answer the summons.

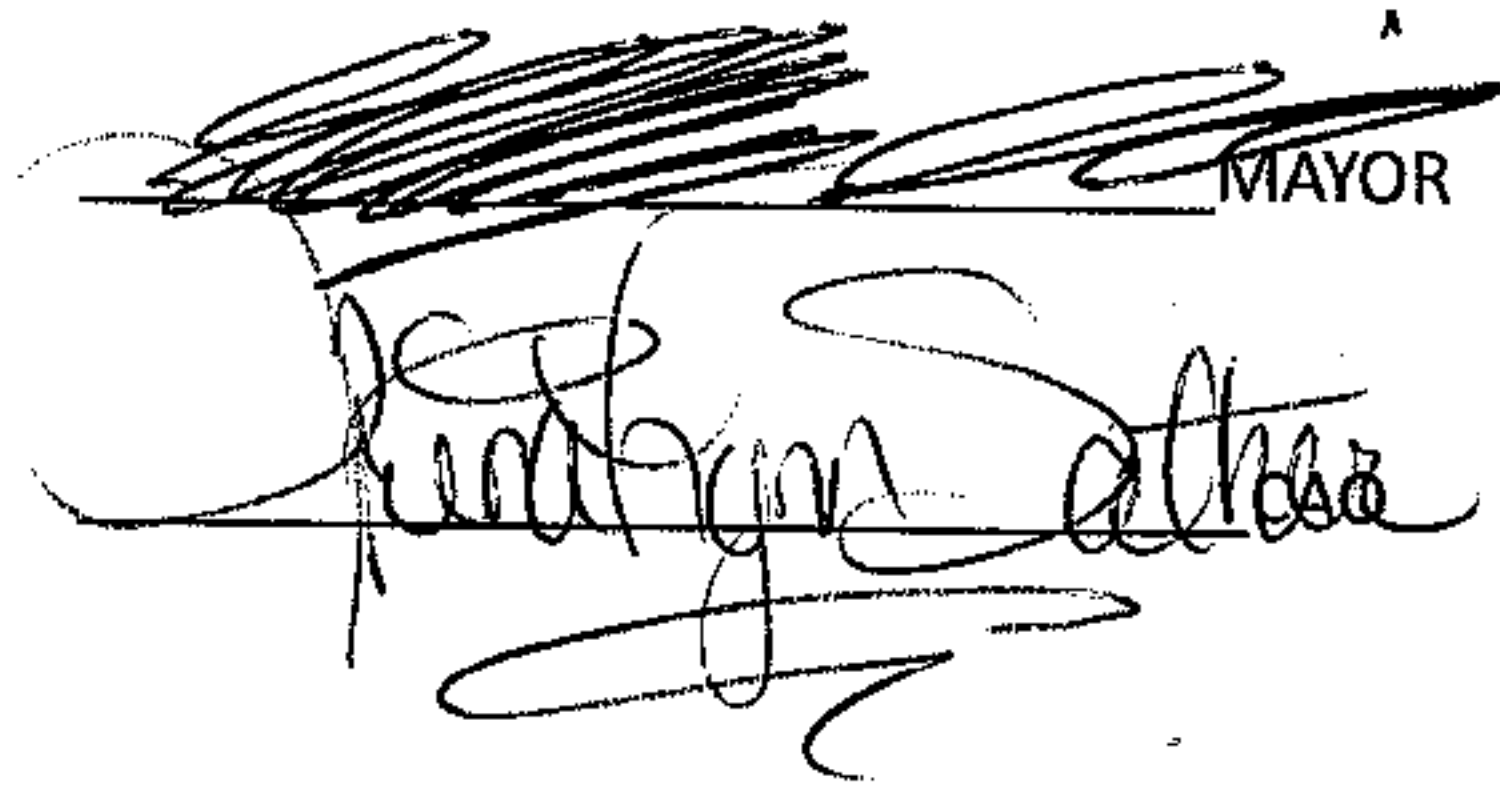
THIS BYLAW RESCINDS Bylaw 485-15 upon coming into force.

READ A FIRST TIME ON THIS 21 DAY OF November, A.D. 2023,

READ A SECOND TIME ON THIS 19 DAY OF December, A.D. 2023,

READ A THIRD AND FINAL TIME ON THIS 16 DAY OF January, A.D. 2023.

2024, 8.



MAYOR

" SCHEDULE A "

SECTION	OFFENCE	SPECIFIED PENALTY
6 (a)	Animal Running at Large	\$150.00
7 (a)	Animal Bites/Chases Person or Animal	\$350.00
7 (b)	Animal Bites/Chases motor vehicle/bicycle	\$150.00
7 (c)	Animal barks/howls or othersied comports itself in any fashion to disturb any person(s).	\$350.00
7 (d)	Animal barks/howls or otherwise comparts intself in any fashion to cause anyone to fear for pysical safety	\$350.00
7 (e)	Bites a person causing severe injury	\$2,500.00
7 (f)	Causes death of another animal	\$2,000.00
7 (g)	Animal that causes damage to property or any injury to a person or animal.	\$350.00
7 (h)	Is in a public building	\$150.00
7 (i)	Is upon any property where prohibited by signs or other markings	\$150.00
7 (j)	Animal upsets or scatters waste receptacle	\$150.00
8 (a)	Keeps Livestock/poultry in Village other than (RL) land	\$200.00
9 (a)	Leave animal tethered or tied on public property	\$150.00
9 (b)	Allow tethered animal on private property to be closer than 1.5 meters to property line.	\$150.00
10 (a)	Fail to remove feces from property	\$150.00
10 (b)	Fail to carry suitable means to remove feces	\$50.00
11 (a)	Fail to keep property in "clean and tidy" condition, no excessive accumulation of feces or excessive order.	\$150.00
12 (a)	Have more than allowed number of animals	\$150.00
14 (a) i-iv	Vicious dog threaten, chases, bites, or injures a person or animal	\$2,000.00
14 (a) v	Vicious dog damages or destroy property	\$1,000.00
14 (b) i	Fail to keep vicious dog under proper indoor confinement	\$1,500.00
14 (b) ii	Fail to keep vicious dog in controlled confinement	\$1,500.00
15	Fail to keep vicious dog in muzzled and properly secured on leash	\$2,000.00
16	Vicious dog running at large	\$2,000.00
17 (a)	Fail to obtain and maintain insurance	\$1,500.00
17 (b)	Fail to provied proof of insurance	\$500.00
19 (b)	Obstruct/hinder/impede Bylaw Enforcement Officer	\$500.00