

## BYLAW NO. 2256

BYLAW No. of the Municipal District of Provost No. 52 in the Province of Alberta.

BEING a Bylaw to provide for the Control, Impoundment and Disposition of animals within the Hamlets of the M.D of Provost, Capt Ayre and Shorncliffe Lakes, also with provision to deal with stray dogs running at large in the M.D. of Provost No. 52 outside those Hamlet areas.

WHEREAS the M.D. of Provost No. 52 (hereinafter referred to as "the M.D.") is pursuant to the provisions of the Municipal Government Act, RSA 2000 Chapter M-26 a municipal council may pass bylaws regarding domestic animals and activities in reactions to them.

NOW THEREFORE, the council of the M.D. of Provost No. 52, 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 or wild animals, fowl or reptiles
  - b) "Bylaw Enforcement Officer", means a person appointed by the MD. To carry out the provision under thus Bylaw and includes a member of the Royal Canadian Mounted Police, Municipal Employees or a Community Peace Officer.
  - c) "Muzzle" means a device of sufficient strength placed over an animal's mouth to prevent it from biting.
  - d) "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 this Bylaw, an animal may have more than one (1) owner.
  - e) "Pound" means a premises designated by the M.D. for the impoundment and care of animals.
  - f) "Public Building" means any public building in a hamlet or at Capt Ayre Lake or Shorncliffe Lake including but not limited to any shower building, change house picnic shelter or hall.
  - g) "Livestock" means and includes: any horses, cattle, sheep, swine, donkeys, goats, buffalo, elk, llama and fur bearing animals raised in captivity.
  - h) "Poultry" means and includes: chickens, turkeys, geese, pigeons, ducks and ornamental birds.
  - i) "Dog" means either the male or female of any domesticated canine species.
  - j) "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.
- k) "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.
- l) "Owner's 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.
- m) "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, an animal shall be deemed to be running at large when it is found on any highway, park, or any other publically owned property within the hamlet or lake area or is on any private property or on private premises without the permission of the owners or occupants thereof.
- n) "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. 1980 and amendments thereto.
- o) "Severe Injury" means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery.

3. Each provision of this 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 this Bylaw remain valid and enforceable.

4. Any headings or subheadings in this 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 disturb any person, or in the opinion of a Bylaw Enforcement Office is likely to disturb any person;
- d) barks, howls or otherwise conducts itself in such a fashion as to alarm or cause any person to fear for their physical safety;
- 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 beach area or other public building;

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

**8. Livestock/Poultry**

- a) No person will have or keep livestock or poultry within a hamlet and lake of the M.D.
- b) Notwithstanding Section 8(a), livestock may enter the residential zoned limits of a hamlet and lake with the authorization of the M.D.

**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 express 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 metres 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. Owner's 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.

**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 six (6) cats aged six months or more. On the date this Bylaw comes into force a person who owns more than three (3) dogs or six (6) cats in accordance with Bylaw No. 2225 or Bylaw No 2232, 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 an in charge of a licenses 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 preferable 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 under the Dangerous Dogs 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 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.

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 M.D. 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) metres of the property line or within five (5) metres 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) metre, 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 M.D. 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 decision of the appeal committee to provide proof of insurance to 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 Municipal Government Act RSA 2000 c.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 this Bylaw.

**20. Impoundment**

The M.D. of Provost 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 M.D. of Provost No. 52 an amount equal to:

- a) The total of all impoundment fees, care and sustenance charges, any reasonable veterinary expenses incurred by the M.D. of Provost No. 52 in respect of an animal during the period of impoundment.

**22. a)** 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 M.D. of Provost No. 52 may:

- i. Destroy the animal;
  - ii. Offer the animal for sale at a price set by the Administrator;
  - iii. Retain the animal in the Animal Control Shelter for such further period of time as the Bylaw Enforcement Officer thinks advisable in the circumstances;
  - iv. Turn the animal over to the S.P.C.A. for adoption.
- b) For the purposes of calculating the length of the time an animal has been impounded, statutory holidays shall not be included in the calculation.
- c) 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.

d) Any domestic animal in the possession of an individual caught running at large in the M.D. of Provost No. 52 outside of a hamlet may turn the animal in to the Bylaw Enforcement officer to be dealt with in accordance with Section 22.

**23. 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 this Bylaw, the Bylaw Enforcement 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 No. 2225 and Bylaw No. 2232.**

Read a first time this 26<sup>th</sup> day of May A.D., 2016.

Read a second time this 26<sup>th</sup> day of May A.D., 2016.

Read a third time and finally passed this 26<sup>th</sup> day of May A.D., 2016.

  
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REEVE

  
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ADMINISTRATOR

## “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 otherwise comports itself in any fashion to disturb any person.	\$ 350.00
7(d)	Animal Barks/Howls or otherwise comports itself in any fashion to cause anyone to fear for physical 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 beach area or public buildings	\$ 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)	Keep livestock/poultry in hamlet	\$ 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 metres 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	\$ 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 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 provide proof of insurance	\$ 500.00
19(b)	Obstruct/hinder/impede Bylaw Enforcement Officer	\$ 500.00