

BYLAW NO. 1178/12
ANIMAL CONTROL BYLAW
TOWN OF HARDISTY

A BYLAW OF THE TOWN OF HARDISTY IN THE PROVINCE OF ALBERTA, PROVIDING FOR THE LICENSING, REGULATION AND CONTROL OF WILD OR DOMESTIC ANIMALS OR POULTRY WITHIN THE TOWN OF HARDISTY.

WHEREAS under Section 7(h) of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000, and amendments thereto, provides for the passing of Bylaws responsible monitoring of wild and domestic animals and activities in relation to them;

WHEREAS the Council of the Town of Hardisty considers it desirable to provide for the licensing, regulation and control of wild and domestic animals within the municipality;

NOW THEREFORE, THE COUNCIL OF THE TOWN OF HARDISTY IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. TITLE – This Bylaw shall be cited as “The Animal Control Bylaw”.

2. DEFINITIONS:

- 2.1 “Animal” means any wild or domestic animal, household pet, livestock, poultry or wildlife.
- 2.2 “Animal Control Officer” means a person, firm or corporation appointed by the Town Council to carry out the provisions of the Bylaw.
- 2.3 “Animal License” means a numbered tag which shall be issued when the yearly and/or yearly license fee is paid. It is to be worn on the animal’s collar.
- 2.4 “Cat” means any domesticated feline animal, of either sex, commonly described and known as a domestic cat and actually or apparently three (3) months of age or older.
- 2.5 “Day” means a continuous period of 24 hours.
- 2.6 “Dog” means any canine animal, of either sex, commonly described and known as a dog and actually or apparently three (3) months of age or older.
- 2.7 “Domestic Pets” means an animal which is normally kept inside a dwelling. Domestic pets include dogs, cats, parrots, and similar-sized animals, but does not include livestock. As per Land Use Bylaw;
- 2.8 “Dwelling” means any building used exclusively for human habitation and which is supported on a permanent foundation or base extending below ground level. This definition shall include single detached dwellings, manufactured homes, duplexes, row housing, and apartments. As per Land Use Bylaw;
- 2.9 “Kennel” means any operation involving the breeding and/ or boarding and/ or selling of dogs and/ or cats;
- 2.10 “Licensable Pet” means cat or dogs that are required under this Bylaw to have a Town pet license.
- 2.11 “Livestock” means horses, cattle, sheep, swine and goats.

- 2.12 "Muzzle" means any humane device, which prevents a dog from biting or otherwise injuring with its mouth any person, animal or property;
- 2.13 "Poultry" shall include chickens, ducks, geese, turkeys and such exotic wildfowl as pheasants, quail and partridge.
- 2.14 "Owner" means the person having legal title to the animal in question and includes the person in whose name the animal is registered and any other person who has possession or custody of the animal or any person who harbors, houses or permits such animal to be upon his/her property.
- 2.15 "Running at Large" means any animal which is found off the premises of its owner and within the corporate limits of the Town of Hardisty and is not under the immediate and continuous and effective control of its owner or a member of the owner's immediate family or in the hands of a competent person at the time of being found.
- 2.16 "Shelter" means lodgment of licensed animal at a designated shelter in or out of Town.
- 2.17 "Stray" means an animal which appears homeless.
- 2.18 "Town" means the municipal corporation of the Town of Hardisty.
- 2.19 "Town Council" means the Town Council for the municipal corporation of the Town of Hardisty.
- 2.20 "Town Shelter" means a premise designated by the Town for the impoundment and care of animals;
- 2.21 "Vicious Dog" means any dog with a known propensity, tendency or disposition to attack without provocation any person or animal or any dog which has been deemed to be dangerous by a justice, under the provisions of the Dangerous Dogs Act, R.S.A 2000, Chapter D-3 and amendments thereto.
- 2.22 "Wildlife" means big game, game birds, birds of prey, fur-bearing animals, fur bearing carnivores, and any other species or vertebras designated as wildlife by the regulations under the Wildlife Act.

3 BYLAW ENFORCEMENT AND AUTHORITY

The provisions of this Bylaw shall be enforced by any Animal Control Officer, any Police Officer, or designate of the Town of Hardisty.

- 3.1 Animal control officer may enter any private or public land, vehicle or place, other than a dwelling house, without a warrant for the purposes of carrying out his/ her duties under this Bylaw, or to help rescue an animal which, in the opinion of the animal control officer, is in serious danger of injury or death.
- 3.2 An impounded animal may be kept in the Town shelter for a period of 72 hours. Non-business days shall not be included in the computation of the 72 hour period. During this period, an animal may be redeemed by its owner upon payment to the Town or its authorized agent, and the fees the person are to pay are:
- i. The shelter fee and animal care agency fee as set out in the Master Rates Bylaw;
 - ii. The appropriate license fee if the animal is not licensed; and
 - iii. The cost of treatment the animal incurred during impoundment.

3.3 Upon the expiry of the impoundment period, the animal shall become property of the Town and the animal control officer is authorized to:

- i. Allow the animal to be redeemed by its owner in accordance with the provisions of section 3.2;
- ii. Turn the animal over to an approved animal care agency;
- iii. Offer the animal up for sale or adoption;
- iv. Have the animal euthanized in a humane manner.

4 REGISTRATION

No person shall own, keep, harbor or possess a cat or dog in the Town unless such cat or dog is registered in accordance with this Bylaw.

5 RUN AT LARGE

The owner of any cat or dog shall not permit such cat or dog to run at large within the corporate limits of the Town.

6 HOUSING AND CONFINEMENT

The owner of every female cat or dog shall, while such cat or dog is in heat, keep such cat or dog housed and confined in an enclosure or tethered so as to prevent any escape of such cat or dog from the owner's premises during the period in which the said cat or dog is in heat.

7 PROHIBITIONS

No person, being the owner of a cat, shall permit such cat:

- 7.1 to attack or bite any person or another pet; or
- 7.2 to molest or annoy another person or pet; or
- 7.3 to cause damage to any person or property; or
- 7.4 to deposit body wastes on the premises other than those on which the owner is in lawful occupation; or
- 7.5 to create a disturbance by meowing or otherwise; or
- 7.6 to upset any garbage containers; or
- 7.7 to permit or allow any cat to be in floral area of any parkland; or
- 7.8 to place or allow any cat to enter or remain in an area that is provided for use of the public.

No person, being the owner of a dog, shall permit such dog:

- 7.9 to attack or bite any person or another pet; or
 - i. If the dog is not at all times in control 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

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- ii. If the 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 a permitted leash held and controlled by the owner.
- iii. If the animal control officer determines that a vicious dog is not being kept in accordance with the provisions of this Bylaw, the animal control officer may file a complaint pursuant to the Dangerous Dogs Act, R.S.A. 2000, Chapter D-3 and amendments to this Act, for an order directing the dog be controlled or destroyed.

7.10 to cause damage to any person or property; or

7.11 to deposit body wastes on the premises other than those on which the owner is in lawful occupation; or

7.12 to create a disturbance by barking or otherwise; or

7.13 to molest or annoy any person or pet; or

7.14 to upset any garbage containers; or

7.15 to permit or allow any dog to be in a floral area of any parkland; or

7.16 to place or allow any dog to enter or remain in any swimming, bathing or wading pool or area that is provided for the use of the public.

Livestock shall not be harbored or kept in any area of the Town of Hardisty without permission of the Town Council.

Poultry shall not be harbored or kept in any area of the Town unless provided for in the Town of Hardisty Land Use Bylaw.

Wildlife – unless authorized by a license or permit issued by the Minister of Lands and Forest, no person shall:

7.17 Pick up, handle, possess or transport any wildlife, or in any way disturb the young thereof; or

7.18 Keep in captivity any wildlife; or

7.19 Release within the Town of Hardisty any wildlife; or

7.20 Transport or control or have possession of any wildlife for any purpose.

Any wildlife discovered at large in the Town of Hardisty shall not be disturbed, but shall be reported to the Town Office.

Any person who contravenes any part or parts of this section is guilty of an offence and, upon a conviction for same, a judge, in addition to imposing the penalty provided therein, may, if such cat or dog shall have done damage to persons or property, order the owner of such cat or dog to pay such damages as the complainant may have sustained and may order the owner of such cat or dog to confine or muzzle such cat or dog for such periods as the judge may determine or may order the owner of such cat or dog to forthwith deliver such cat or dog to the shelter to be destroyed.

8 LICENSING

8.1 Any person who resides within the corporate limits of the Town and becomes the owner of a cat or dog over the age of three (3) months or takes up residence within the Town and is the owner of a

8.11 Any person wishing to operate a kennel or own more than three (3) dogs or cats must annually obtain a Kennel License, which may be issued upon payment of the prescribed fee provided that the proposed kennel first meets the requirements of all applicable laws governing kennels, including compliance with the Town of Hardisty Land Use Bylaw individual dog or cat licenses are a separate requirement from a Kennel License.

9 APPOINTED PERSONEL

The Town Council may appoint an animal control officer and shall set the remuneration to be paid.

10 SHELTER ESTABLISHMENT

The Town Council shall designate a place to be operated as a shelter for impounding and caring for cats and dogs captured pursuant to this Bylaw and the Town Council is empowered and authorized to make such rules and regulations not inconsistent with provisions of this Bylaw as the Town Council shall consider it necessary for the conduct and regulation of such shelter.

11 ANIMAL CONTROL OFFICER DUTIES AND RESPONSIBILITIES

The animal control officer shall, upon delivery to the shelter of a cat or dog immediately ascertain whether or not the cat or dog is currently registered in accordance with this Bylaw and shall make a reasonable effort to give notice of the impoundment to the owner. Such notice, whether verbal or written, shall, if given to a member of the owner's family, be deemed to have been given to the owner.

The animal control officer will be responsible for making sure that persons claiming cats or dogs from the shelter, shall, before removing the animal from the shelter pay all costs incurred, provide proof that the cat or dog is fully licensed or purchase such license from the Town Office and pay any offense ticket amounts assessed against the animal.

12 RIGHT OF ENTRY

Subject to the provisions of the Petty Trespass Act, it shall be lawful for the animal control officer, in exercise of his duties, to enter upon the premises of the owner without the owner's permission for purpose of pursuing a cat or dog running at large. For the purpose of this section, "premises" shall mean the property of an owner other than the buildings located thereon. An animal control officer or any person authorized by this Bylaw to enforce the provision contained herein may enter onto the land surrounding any building in pursuit of any cat or dog running at large.

13 RABIES PREVENTION

Any cat or dog suspected of being rabid shall be forthwith quarantined and dealt with in accordance with the provisions of the "Livestock Disease Act" and the regulations made thereunder.

dog over age of three (3) months shall obtain a License Tag, for that cat or dog by paying the License Fee as set out in the Master Rates Bylaw within one (1) month after becoming owner of the said cat or dog or taking up residence within the Town.

8.2 If an annual license is obtained under section 8.1 for a particular animal, that the owner of that animal shall:

- i. Before January 31st of each calendar year, obtain an annual license tag for that animal by paying the annual license tag fee as set out in the Master Rate Bylaw; or
- ii. Before January 31st of the current year, obtain a lifetime license tag for that animal by paying the lifetime license tag fee as set out in the Master Rates Bylaw.

8.3 Every owner of a licensable animal shall:

- a. Upon payment of the annual license fee for a cat or dog the Town Office shall issue to the owner a tag, on which shall be inscribed a registration number corresponding to the registration in a master log kept at the Town Office.
- b. Owners shall ensure that the License Tag is securely attached to a choke chain, collar or harness worn by the cat or dog, with the License Tag visible and worn by the cat or dog at all times.

8.4 At all times when a dog or cat is on any property other than that of its owner, the cat or dog tag issued for such dog shall be attached to a collar or harness worn by the dog or cat.

8.5 The owner of the cat or dog shall pay the license fee to the Town Office on or before the 1st day of January in each year and the period of validity of a license issued shall be from the 1st day of January to the 31st day of December of any year. The full amount of license fee shall be payable to the Town of Hardisty, notwithstanding that a cat or dog is registered subsequent to the 1st day of January in any year.

8.6 If a license for any cat or dog becomes lost in any manner whatsoever, a replacement license shall be issued for such cat or dog on payment as per the Master Rates Bylaw.

8.7 No person shall use or permit to be used a license in respect to any cat or dog other than the cat or dog for which it was actually issued.

8.8 No person shall be entitled to a license rebate under this Bylaw.

8.9 The owner of the cat or dog shall notify the Town Office if there is a change in address within twenty-one (21) days of change in residency.

8.10 Every owner of a licensable animal:

- a. Person residing within the Town of Hardisty shall own no more than three licensable pets (cat or dog) per dwelling older than three (3) months, at any one time, unless the owner is the holder of a Kennel License issued pursuant to this Bylaw.
- b. A person who has a license for more than three licensable pets before the passing of this Bylaw shall be exempt from section 8.10(a) for the life of the existing animals, as long as the animals are licensed.

14 ANIMAL CONTROL TICKETS AND PENALTIES

- 14.1 Where an animal control officer believes that a person has contravened any provisions of this Bylaw, he may serve upon such person a ticket as provided by this section, by:
- 14.1.1 Either personally or by leaving a copy for him at his last or most usual place of abode with some person present who is apparently at least sixteen (16) years of age, or
 - 14.2.1 By mailing a copy to the defendant by registered or certified mail to his last known post office address.
- 14.2 A notice or form commonly called a "Violation Ticket" having printed wording approved by the Town Council, shall state the section of the Bylaw which was contravened and a voluntary penalty payment which is provided in Master Rates Bylaw.
- 14.3 Upon production of a ticket issued pursuant to this section, within ten (10) consecutive days from the date of issue, together with the voluntary penalty payment, to the office of the municipal Administrator, the person to whom the ticket was issued shall not be liable for prosecution for the contravention in respect of which the ticket was issued.

15 NEGLIGENCE

- 15.1 No person shall negligently or willfully shall taunt, agitate, harass, open a gate, door or other opening in a fence or enclosure in which a cat or dog is being confined and thereby allow a cat or dog to run at large.
- 15.2 No person shall remove any collar or license from any cat or dog;
- 15.3 No person shall break into or break open any shelter;
- 15.4 No person shall untie, loosen or otherwise free a cat or dog which has been tied or otherwise restrained;
- 15.5 No unauthorized person shall remove or attempt to remove from any shelter any cat or dog sheltered therein;
- 15.6 An owner of an dog/cat, or the registered owner or operator of a vehicle, who leaves a dog/cat unattended in a vehicle shall ensure that suitable ventilation is provided for dog/cat;
- 15.7 Individuals that have the Town cat trap shall comply with the following:
- i. An individual who has borrowed a cat trap from the Town shall comply with the conditions of renting the cat trap, as signed by the individual at the time of receiving the cat trap.
 - ii. Check the cat trap at regular intervals;
 - iii. No cat trap shall be set if temperatures fall below 0 degrees Celsius in upcoming 24 hour forecast;
 - iv. Tease or harass cat which has been caught in the cat trap;

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16 VICIOUS DOG

16.2 An owner of a vicious dog is guilty of an offence:

- i. If the 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
- ii. If the 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 a permitted leash held and controlled by the owner.

16.3 If the animal control officer determines that a vicious dog is not being kept in accordance with the provisions of this Bylaw, the animal control officer may file a complaint pursuant to the Dangerous Dogs Act, R.S.A. 2000, Chapter D-3 and amendments to this Act, for an order directing the dog be controlled or destroyed.

17 CLARIFICATION OR DEFINITION

In any prosecution under this Bylaw, the judge trying the case may, in the absence of proof to the contrary, infer that:

- i. Any animal commonly described as a cat or dog by any witness is a "cat or dog" within the meaning of this Bylaw; and
- ii. Any cat or dog is running at large if it is shown not to be on a leash at the time of the alleged offense.

18 SUMMARY CONVICTION

A person who contravenes a provision of this Bylaw by doing something which he is prohibited from doing, or by failing to do something which he is required to do, or by doing something in a manner different from that in which he is required or permitted to do in this Bylaw is guilty of an offense and liable upon summary conviction to a fine as set out in the Master Rates Bylaw.

19 CONSOLIDATION OF FEE AND FINE

A judge may order, upon conviction for the offense of failure to register a cat or dog in addition to any fine imposed pursuant to this Bylaw, a payment of the appropriate license fee.

20 This Bylaw shall come into force on the day of final reading therefore, further Bylaw 917 and any amending Bylaws shall cease to be effective on this date.

This Bylaw shall come into force and take effect upon receiving third reading.

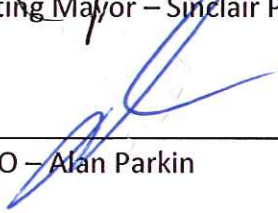
READ a first time this 17th day of May, A.D. 2012

READ a second time this 21st day of June, A.D. 2012

READ a third and final time this 21st day of June, A.D. 2012



Acting Mayor – Sinclair Piller



CAO – Alan Parkin

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