

BY-LAW NO. 6-2014

A BY-LAW OF THE VILLAGE OF HOLDEN

IN THE PROVINCE OF ALBERTA

TO REGULATE AND CONTROL ANIMALS WITHIN THE VILLAGE OF HOLDEN

WHEREAS, the *Municipal Government Act*, R.S.A. 2000, c. M-26.1 as amended or repealed and replaced from time to time, authorizes a municipality to regulate and control animals and activities in relation to them;

NOW THEREFORE, the Council of the Village of Holden, duly assembled, enacts as follows:

1. SECTION 1 — SHORT TITLE

- 1.1. This Bylaw may be cited as the "Animal Control Bylaw"

2. SECTION 2 — DEFINITIONS

- 2.1. "**Animal**" means any live creature, including a dog or cat, which is kept as a domestic pet but does not include livestock, as defined in the *Agricultural Operation Practices Act*, nor any animal listed in Schedule "B" of this bylaw.
- 2.2. "**Animal Shelter**" means the facility or facilities designated by the municipality from time to time, as the location for the impoundment and care of animals subject to this bylaw.
- 2.3. "**At Large**" means any animal that is present at any place other than the property of its Owner and which is not being carried by any person, or which is not otherwise restrained or under physical control of a person by means of some form of restraining device securely holding that animal.
- 2.4. "**Bylaw Enforcement Officer**" shall mean a person appointed by the municipality pursuant to the provisions of the *Municipal Government Act*.
- 2.5. "**CAO**" means the Chief Administrative Officer of the municipality and whatever subsequent title may be conferred on that officer by Council or statute, or their designate.
- 2.6. "**Cat**" means any member of a domesticated feline species.
- 2.7. "**Council**" means the municipal Council of the Village of Holden.
- 2.8. "**Dangerous Dog**" means any dog designated as such by the CAO of the municipality in accordance with Section 6 of this bylaw.
- 2.9. "**Dangerous Dogs Act**" means the *Dangerous Dogs Act*, R.S.A. 2000, c. D-3, as amended or repealed and replaced from time to time.
- 2.10. "**Dog**" means any member of a domesticated canine species.
- 2.11. "**Kennel**" means any place, as defined by the *Land Use Bylaw*, that is owned by a person, group of persons or corporation and has all required permits and approvals to keep four (4) or more domestic pets of any single species, over six (6) months of age, for recreational activity or for a commercial business of breeding, buying, selling, training or boarding.
- 2.12. "**Land Use Bylaw**" means the municipality's *Land Use Bylaw*, as amended or repealed and replaced from time to time.
- 2.13. "**Leash**" means a tether no longer than three (3) meters in length and of suitable

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strength that may be humanely attached to a collar or harness of an animal.

- 2.14. **"License Tag"** means an identification tag of metal or other material issued by the municipality showing the license number of a specific dog.
- 2.15. **"Municipality"** means the Village of Holden.
- 2.16. **"Municipal Government Act"** means the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time.
- 2.17. **"Owner"** of an animal means a person:
- 2.17.1. who has the care, charge, custody, possession or control of the animal;
 - 2.17.2. who owns or claims a proprietary interest in the animal;
 - 2.17.3. who harbours, suffers, or permits the animal to be present on any property owned or under his or her control;
 - 2.17.4. who claims and receives the animal from the custody of the animal shelter or from a Bylaw Enforcement Officer; or
 - 2.17.5. to whom a license tag was issued for the animal in accordance with this bylaw.
- 2.18. **"Owner's Property"** means private property, or all or part of a structure on private property, owned by or under the control or possession of an owner of an animal.
- 2.19. **"Private Property"** means any property within the municipality other than property constituting public property.
- 2.20. **"Provincial Offences Procedure Act"** means the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time.
- 2.21. **"Public Property"** means property owned by or under the control and management of the Government of Canada, Government of Alberta or the municipality, and contained within the boundaries of the municipality.
- 2.22. **"Registered Veterinarian"** is defined in the *Veterinary Professions Act*, R.S.A. 2000, c. V-2, as amended or repealed and replaced from time to time.
- 2.23. **"Restraining Device"** means any leash, harness or other restraining system capable of allowing the owner to maintain adequate control of the attached animal, or if located on the property of the owner, capable of retaining the animal within the boundaries of the owner's property.
- 2.24. **"Restricted Dog"** means any breed of dog designated as such by the CAO in accordance with this bylaw.
- 2.25. **"Secure Enclosure"** means a building, cage, fenced area or other enclosure for the retaining of an animal and which prohibits the animal jumping, climbing, digging or using any other means to exit the enclosure, and which is capable of prohibiting the entry of young children into the enclosure.
- 2.26. **"Serious Wound"** means an injury resulting from an animal attack which causes a breaking of the skin or the flesh to be torn.
- 2.27. **"Violation Tag"** means a tag or similar document issued by the municipality pursuant to the *Municipal Government Act*.
- 2.28. **"Violation Ticket"** means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act* and any Regulations thereunder.

3. SECTION 3 – LICENSING PROVISIONS

- 3.1. Every person who resides within the boundaries of the municipality and who is the owner of a dog that is over the age of six (6) months shall apply for a license as set out within this section, by paying the applicable fee as set out in Schedule "A" of this bylaw, and providing such information as may be required on the application form prepared by the municipality.
- 3.2. Every person who resides in the municipality who becomes an owner of a dog that is over the age of six (6) months, or who takes up residence within the municipality and who is the owner of a dog that is over the age of six (6) months, shall apply for a license as set out in this section and pay the applicable fee as set out in Schedule "A" of this bylaw, within thirty (30) days of becoming the owner of such dog, or taking up residence in the municipality.
- 3.3. An owner of an unlicensed dog is guilty of an offence.
- 3.4. Every person who resides within the boundaries of the municipality and who is the owner of a cat that is over the age of six (6) months may apply for a voluntary license as set out within this section, by paying the applicable fee as set out in Schedule "A" of this bylaw, and providing such information as may be required on the application form prepared by the municipality.
- 3.5. A license under this bylaw must be renewed on an annual basis, by paying the applicable license fee prior to February 28 in each year. Any person who fails to renew a license within this time is guilty of an offence.
- 3.6. Licenses issued pursuant to this bylaw shall not be transferred from one dog or cat to another or from one owner to another.
- 3.7. Upon payment of required license fee, and providing such information as may be required by the municipality, the owner will be supplied a license tag having a number which will remain registered to that dog or cat, year to year.
- 3.8. Every owner shall ensure that the license tag is securely fastened to a choke chain, collar or harness worn by the dog or cat at all times whenever the dog or cat is on property other than the owner's property.
- 3.9. The owner of a dog or cat that has been duly licensed under this bylaw may obtain a replacement license tag for one that has been lost or damaged upon payment of the replacement License Tag Fee as set out in Schedule "A" of this bylaw.
- 3.10. No person shall be entitled to a refund or rebate for any License Tag Fee.
- 3.11. The provisions of this section shall not apply to the following:
 - 3.11.1. Persons temporarily visiting the municipality for a period not exceeding four (4) consecutive weeks;
 - 3.11.2. Not-for-profit associations, not-for-profit corporations and government organizations engaged in the provision of specialized dog services, including but not limited to, guide or assistance dogs, police dogs, and search and rescue dogs;
 - 3.11.3. Handicapped persons holding an identification card proving ownership of a guide or assistance dog for their use;
 - 3.11.4. Dogs under six (6) months in age; and
 - 3.11.5. Holders of a valid and subsisting development permit, issued pursuant to the *Land Use Bylaw* authorizing the operation of a kennel, animal shelter or similar facility, but only in regard to those dogs which are intended for sale or adoption or a dog which is owned by persons other than the operators of the kennel, animal shelter or similar facility and which are boarded therein.

4. SECTION 4 – NUMBER OF ANIMALS

- 4.1. No more than nine (9) animals, with no more than three (3) of the animals being dogs, cats, or any other single species, shall be harboured, suffered or permitted to remain upon or in any land, house, shelter, room or place, building, structure or premises within the municipality, unless:
- 4.1.1. The premises are lawfully used for the care and treatment of animals, operated by or under the charge of a registered veterinarian;
 - 4.1.2. The owner is the holder of a valid and subsisting development permit to operate a kennel, animal shelter or a similar facility as authorized by the *Land Use Bylaw*;
 - 4.1.3. The animals in excess of the limit are under six (6) months of age and are the offspring of a licensed animal residing at the same location; or
 - 4.1.4. The owner is a not-for-profit association, not-for-profit corporation or government organization engaged in the provision of specialized dog services including but not limited to guide or assistance dogs, police dogs, and search and rescue dogs.
- 4.2 Any person who keeps, suffers or harbours more than the permitted number animals as outlined in Section 4.1, is in contravention of this section and is guilty of an offence.

5. SECTION 5 — GENERAL OFFENCES

- 5.1. An owner whose animal is at large is guilty of an offence.
- 5.2. The owner of an animal that barks, howls or otherwise makes noise so as to, in the discretion of a Bylaw Enforcement Officer, constitute an unreasonable disturbance of the quiet or repose of any person, is guilty of an offence.
- 5.3. The owner of an animal that threatens, attacks, bites, chases or injures any person is guilty of an offence.
- 5.4. The owner of an animal that attacks, injures, kills, chases or otherwise harasses another animal is guilty of an offence.
- 5.5. The owner of an animal that causes damage to public or private property is guilty of an offence.
- 5.6. Where an animal has defecated on any public or private property, other than the owner's property, the owner shall remove such defecation immediately and failure to do so shall constitute an offence.
- 5.7. The owner of an animal shall maintain the owner's property, or any property controlled by the owner on which the animal is harboured, in a clean and sanitary condition and shall take such steps as are necessary to prevent the presence of nuisances, including offensive or noxious odors. Any owner who fails to maintain the property in such a manner, as determined by a Bylaw Enforcement Officer, is guilty of an offence.
- 5.8. An owner of female animal in estrus or "heat" which is not adequately contained or restrained, both on and off the owner's property in a manner sufficient to avoid attracting other animals, is guilty of an offence.
- 5.9. Any person who without the consent of the owner, unties, loosens or otherwise frees an animal that was tied or otherwise restrained, or opens a gate, door or opening in a fence or secure enclosure in which an animal has been confined, thereby allowing the animal to run at large, is guilty of an offence.
- 5.10. Any person who interferes with, prohibits or otherwise impedes a Bylaw

Enforcement Officer in the performance of the officer's duties under this bylaw is guilty of an offence.

- 5.11. Any person, who is in the opinion of a Bylaw Enforcement Officer, teasing, tormenting, annoying or harming any animal, is guilty of an offence.
- 5.12. Where an animal disturbs a waste receptacle, whether on private or public property, scattering the contents of such receptacle, the owner is guilty of an offence.
- 5.13. Where an animal enters into any flowerbed in a park, whether or not the animal is controlled by a restraining device, the owner is guilty of an offence.
- 5.14. No owner shall allow or permit an animal under their care, or control to enter into a cemetery.

6. SECTION 6 – DANGEROUS DOGS

- 6.1. The CAO or their designate may declare a dog to be a dangerous dog if there are reasonable grounds to believe, either through personal observation or on the basis of facts determined after an investigation of a complaint, that the dog:
 - 6.1.1. has a known propensity, tendency, or disposition to attack, chase or bite, without provocation, another animal or human; or
 - 6.1.2. has, inflicted a serious wound upon another animal or human; or
 - 6.1.3. is a continuing threat of serious harm to any human or other animals; or
 - 6.1.4. has been the subject of an order or direction of a justice or judge, pursuant to the *Dangerous Dogs Act*.
- 6.2. Where a dog is determined by the CAO or their designate to be a dangerous dog pursuant to section 6.1, the CAO or their designate shall:
 - 6.2.1. serve the owner with a written notice that the dog has been declared to be a dangerous dog;
 - 6.2.2. direct the owner to keep the dangerous dog in accordance with the provisions of Section 6.7 of this bylaw, and provide the owner with a time limit for constructing the required enclosure; and
 - 6.2.3. inform the owner that if the dangerous dog is not kept in accordance with Section 6.7 of this bylaw, the owner may be fined or subject to enforcement action pursuant to this bylaw.
- 6.3. A written notice under Section 6.2 above shall include a summary of the applicable bylaw provisions governing dangerous dogs.
- 6.4. An owner who receives notice under section 6.2 may, within fourteen (14) days of receiving the written notice of the designation, request in writing that the designation be reviewed by Council. Council is not obligated to conduct an oral hearing of the review and may conduct the review based on written material provided by the CAO and the owner.
- 6.5. Council upon a review conducted pursuant to section 6.4 of this bylaw may:
 - 6.5.1. uphold the designation of the dog as dangerous; or
 - 6.5.2. reverse the decision of the CAO and deem that the dog is not dangerous; or
 - 6.5.3. uphold the designation of the dog as dangerous and vary the conditions of harbouring the dog within the municipality.
- 6.6. The decision of Council shall be provided to the owner in writing within thirty (30) days of Council conducting the review and may be served personally or by regular mail on the owner. If the decision is sent by regular mail, it shall be deemed received seven (7) days after the date of mailing.

- 6.7 The owner of a dangerous dog shall:
- 6.7.1 maintain in force a policy of liability insurance in a form satisfactory to the municipality providing third party liability coverage in a minimum amount of five-hundred thousand (\$500,000.00) dollars for injuries caused by the owner's dangerous dog and no license tag shall be issued for a dangerous dog unless proof of such insurance coverage is provided to the municipality along with the application for a license; and
 - 6.7.2 license the dog as a dangerous dog and follow the procedures set out in Section 3 of this bylaw, which includes paying the applicable fee for a dangerous dog as set out in Schedule "A" of this bylaw; and
 - 6.7.3 while the dangerous dog is off the owner's property, muzzle and secure the dangerous dog by means of a restraining device under the physical control of a person of eighteen (18) years of age or older; and
 - 6.7.4 while the dangerous dog is on the owner's property, confine the dangerous dog within a secure enclosure or within the residence of the owner.
- 6.8 The owner of a dangerous dog who fails to comply with the provisions of Section 6.7 is guilty of an offence.
- 6.9 The owner of a dangerous dog shall immediately notify the municipality should the policy of liability insurance expire, be cancelled or terminated, and upon the occurrence of such an event, the dangerous dog license shall be null and void, unless the municipality receives written proof that a new insurance policy has been secured, meeting the requirements of Section 6.7.1, within fifteen (15) days of the expiry, cancellation or termination of the original policy.
- 6.10 The CAO may at their discretion, require the owner of a dangerous dog to post a sign at all entrances to the owner's property, or any property controlled by the owner, stating "Dangerous Dog", and where so directed, the owner of a dangerous dog who fails to do so is guilty of an offence.
- 6.11 Where the owner of a dangerous dog is guilty of an offence under Section 5 of this bylaw, the fine shall be double the amount indicated in Schedule "C" of this bylaw.
- 6.12 In addition to the remedies set forth elsewhere in this bylaw, if a Bylaw Enforcement Officer determines that a dangerous dog is not being kept in accordance with this bylaw, the officer may:
- 6.12.1 issue an order pursuant to section 545 of the *Municipal Government Act* directing that the dangerous dog be kept in accordance with this bylaw or removed from the physical boundaries of the municipality; and
 - 6.12.2 in addition or as an alternative to the issuance of an order under subsection 6.12.1, bring an application pursuant to the *Dangerous Dogs Act* for an order directing that the dangerous dog be kept in accordance with this bylaw, destroyed or subjected to such other order as the court may direct.

7. SECTION 7 — BYLAW ENFORCEMENT OFFICER

- 7.1. A Bylaw Enforcement Officer is a designated officer of the municipality for the purposes of inspections, investigations and enforcement of this bylaw and, in addition to any other powers or authority granted under this bylaw or any other enactment, is authorized:
- 7.1.1. to capture and impound in an animal shelter any animal that is at large;
 - 7.1.2. to take any reasonable measures necessary to subdue any animal, including the use of tranquilizer equipment and materials;

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- 7.1.3. to enter onto lands surrounding any building in pursuit of an animal while that animal is at large; and
- 7.1.4. if an animal is in distress, whether or not as a result of enforcement action taken pursuant to this bylaw, to take the animal to a registered veterinarian for treatment and, once treated, to transfer the animal to the animal shelter.
- 7.2 All costs and expenses incurred by the municipality as a result of veterinary treatment pursuant to section 7.1.4 above shall be recoverable from the owner of the animal as lawful debt owed to the municipality.
- 7.3 Animals impounded in an animal shelter shall be kept for a period of at least seventy-two (72) hours. In the calculation of the seventy-two (72) hour period, Saturdays, Sundays, statutory holidays and days that the animal shelter is not open shall not be included.
- 7.4 Notwithstanding section 7.3, where an animal that has been impounded bears obvious identification tattoos, brands, marks, tags or licenses, the Bylaw Enforcement Officer shall make all reasonable efforts to contact the owner of the animal and shall keep the animal for a period of at least one-hundred twenty (120) hours.
- 7.5 During the period established in section 7.3 and 7.4 above, the animal may be redeemed by its owner, except as otherwise provided in this bylaw, upon payment to the municipality or its authorized agent of:
 - 7.5.1 the impoundment fee;
 - 7.5.2 the cost of any veterinary treatment provided in respect of the animal pursuant to this bylaw;
 - 7.5.3 in the case of an unlicensed dog, the appropriate license fee; and
 - 7.5.4 any penalties levied against the owner of the animal pursuant to Schedule "C" of this bylaw.
- 7.6 At the expiration of the time period established in 7.3 or 7.4 above, the CAO or their designate is authorized to:
 - 7.6.1 offer the animal for sale or as a gift;
 - 7.6.2 destroy the animal in a humane manner;
 - 7.6.3 allow the animal to be redeemed by its owner in accordance with the provisions of Section 7.5 above; or
 - 7.6.4 continue to impound the animal for an indefinite period of time or for such further period of time as the CAO or their designate may decide.
- 7.7 Where an animal has been impounded, if in the opinion of a registered veterinarian or a Bylaw Enforcement Officer an animal:
 - 7.7.1 should be euthanized for humane reasons; or
 - 7.7.2 is feral and without identification;a registered veterinarian may immediately proceed to humanely euthanize the animal.
- 7.8 No action shall be taken against any person, including a Bylaw Enforcement Officer or registered veterinarian acting under the authority of this bylaw, for damages for destruction or other disposal of any animal in accordance with the provisions of this bylaw.

8. SECTION 8 — OFFENCES & PENALTIES

- 8.1. Any person who contravenes any provision of this bylaw is guilty of an offence and is liable upon summary conviction to a specified penalty for that offence as set out in Schedule "C" of this bylaw.
- 8.2. Notwithstanding section 8.1, any person who commits a second or subsequent offence under this bylaw within one (1) year of committing a first offence, is liable on summary conviction to double the penalty set out in Schedule "C" of this bylaw, for that offence.
- 8.3. Under no circumstances shall a person contravening any provision of this bylaw be subject to the penalty of imprisonment.

9. SECTION 9 – VIOLATION TAGS

- 9.1. A Bylaw Enforcement Officer is hereby authorized and empowered to issue Violation Tags to any person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
- 9.2. A Violation Tag may be issued to such person:
- 9.2.1. either personally; or
- 9.2.2. by mailing a copy to such person at their last known postal address.
- 9.3. A Violation Tag shall be in a form approved by the CAO of the municipality and shall state:
- 9.3.1 the name of the person;
- 9.3.2 the offence;
- 9.3.3 the appropriate penalty for the offence as specified in Schedule "C" of this bylaw;
- 9.3.4 that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag; and
- 9.3.5 any other information as may be required by the municipality.
- 9.4. Where a Violation Tag is issued pursuant to this bylaw, the person to whom the Violation Tag is issued may in lieu of prosecution of the offence, pay the municipality the specified penalty as set out on the Violation Tag.
- 9.5. Nothing in this bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Ticket.

10. SECTION 10 — VIOLATION TICKETS

- 10.1. In those cases where a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, a Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket.
- 10.2. Notwithstanding section 9.1 and 10.1, a Bylaw Enforcement Officer is authorized and empowered to immediately issue a Violation Ticket to any person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe is responsible for a contravention of this bylaw.
- 10.3. A Violation Ticket issued with respect to a contravention of this bylaw shall be served upon the person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.
- 10.4. The person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect of the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an

amount equal to the specified penalty for the offence as provided for in the Schedule "C" of this bylaw;

- 10.5. When a Clerk of the Provincial Court records the receipt of a voluntary payment pursuant to section 10.4 and according to the *Provincial Offences Procedure Act*, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

11. SECTION 11 — SEVERABILITY

- 11.1. Should any provision of this bylaw be found invalid, the invalid provision shall be severed and the remaining bylaw shall be maintained.

12. SECTION 12 — REPEAL

- 12.1. Bylaw No. 1-2004 is hereby repealed.

13. SECTION 13 — EFFECTIVE DATE

- 13.1. This bylaw takes effect as of the date of third and final reading.

READ A FIRST TIME this 17th day of November, 2014

READ A SECOND TIME this 17th day of November, 2014

READ A THIRD TIME and passed this 15th day of December, 2014

Mayor

Chief Administrative Officer

SCHEDULE "A" – LICENSING FEES

1. Annual License Fee:

	1 st Registration	Annual Renewal: Jan-Feb	Annual Renewal: Mar-Dec
Dog	\$15 <i>If purchased after Aug. 31, no renewal will be sent in following year</i>	\$15	\$20
Cat (voluntary)	\$15	n/a	n/a
Dangerous Dog	\$30	\$30	\$40
Guide or Assistance Dog	Nil	Nil	Nil

2. Replacement for lost Tag (dog or cat): \$5.00

SCHEDULE "B" – EXEMPT ANIMALS

1. Aquarium Fish and invertebrates
2. Rodents normally kept as indoor pets
3. Domesticated birds normally kept as indoor pets. This provision does not apply to the keeping of chickens or other domesticated fowl constituting or producing livestock products as defined within the *Livestock and Livestock Products Act*, R.S.A. 2000, c. L-18

SCHEDULE "C" – SPECIFIED PENALTIES

<u>Offence</u>	<u>Penalty</u>	<u>Section</u>
Failing to renew license by February 28	\$30	3.5
Failing to license a Dog or Cat	\$40	3.3
Failing to wear a License Tag	\$30	3.8
Keeping, suffering or harbouring more Than NINE (9) Animals total; or THREE (3) of any single species	\$50	4.1
Animal At Large	\$100	5.1
Animal that Barks, howls or otherwise makes noise which disturbs the quiet or repose of any Person	\$50	5.2
Animal that threatens, attacks, bites, chases or injures any Person	\$100	5.3
Animal attacks, injures, kills, chases or otherwise harasses another Animal	\$100	5.4
Animal that causes damage to Public or Private property	\$50	5.5
Failure to remove animal defecation from Public or Private property immediately	\$100	5.6
Failure of Owner to keep property in a clean, sanitary and inoffensive condition	\$50	5.7
Failure to contain or restrain a female animal in heat	\$50	5.8
Untying, loosening or otherwise freeing an animal without the knowledge or consent of the Owner	\$50	5.9
Interfering with, prohibiting or otherwise impeding a Bylaw Enforcement Officer	\$100	5.10
Teasing, tormenting, annoying or harming any animal	\$100	5.11
Failure to comply with section 6.7 regarding Dangerous Dogs	\$100	6.5
Failing to post "Dangerous Dog" sign	\$50	6.10
Section 5 Offence in relation to a Dangerous Dog	Double	6.11
Second or subsequent offence within one (1) year	Double	8.2
An Offence for which a Penalty is not otherwise provided	\$50	n/a