

TOWN OF MUNDARE

BYLAW 875/16

The Council of the Town of Mundare properly assembled enacts as follows:

1. This bylaw is known as the “Animal Control Bylaw”

DEFINITIONS

2. In this bylaw:
 - (a) “animal” means a domestic animal, farm animal, laying hen and wild animal;
 - (b) “animal control officer” means any person or persons authorized by the Town to enforce any provision of this bylaw and includes a community peace officer;
 - (c) “animal shelter” means the premises for impounding and caring for captured animals;
 - (d) "controlled confinement" means the confinement of an animal in a pen, cage or building or securely tethered in a manner that will not allow the animal to bite, harm or harass any person or animal;
 - (e) “damage to property” means damage to property other than the owner's property or permitted property, and includes defecating or urinating on such property;
 - (f) “domestic animal” means an animal that is not wild and lives in or near the habitations of man and includes, but is not limited to, a cat, a dog and a restricted dog, but not including any farm animal and laying hens;
 - (g) “dwelling unit” means a self-contained living premises with cooking, eating, living, sleeping and sanitary facilities for domestic use of one or more individuals;
 - (h) “farm animal” means any domesticated animal normally raised for food, milk or as a beast of burden and includes, but is not limited to, cattle, horses, swine, sheep, mules, donkeys, asses, oxen, chickens, geese, turkeys, ducks, pigeons but does not include laying hens;
 - (i) “guard dog” means a dog trained to patrol privately owned property, whether or not accompanied by its owner, for the purpose of protecting the property;
 - (j) “guide dog” means a dog trained as a guide for a blind person and identified on an identification card issued by the Canadian National Institute for the Blind;

- (k) “kennel” means any place owned by any person, group of persons, or corporation engaged in the commercial business of breeding, buying, selling or boarding animals of any kind;
- (l) “laying hen” means a chicken kept for the production of eggs;
- (m) “owner” means any person owning, possessing or having the charge or control over a domestic animal or laying hen. A domestic animal or laying hen may have more than one (1) owner;
- (n) "owner's property" means any property in which the owner of an animal has a legal interest or has been given control or use of the property by the legal owner
- (o) “permitted leash” means a leash no longer than two meters and adequate to restrain the attached domestic animal;
- (p) "permitted property" means private property where the owner of an animal has the express permission to allow the animal to be on;
- (q) “public property area” means all property owned by or under the control and management of the Town and located within the Town limits;
- (r) “restricted dog” means any dog which:
 - i) that has chased, attacked, or bitten any person or animal causing physical injury;
 - ii) that has chased, attacked, or bitten any person or animal on more than one occasion, with or without, causing physical injury;
 - iii) that has been made the subject of an order under the *Dangerous Dogs Act*;
 - iv) is deemed to be dangerous or a breed of dog deemed to be dangerous by Council.
- (s) “running/run at large” means where an animal is at any place other than the owner's property or permitted property and is not being carried, restrained by a permitted leash or if it is difficult for a person to restrain a domestic animal with a permitted leash. The phrase “running at large” shall be synonymous with “at large”;
- (t) “secure and locked pen” means an enclosure with a secure top and sides and if it has no bottom secured to the sides, the sides must be embedded in the ground to a minimum depth of thirty-five (35) centimeters;
- (u) “serious wound” means an injury resulting from an animal bite, which causes the skin to be broken, or the flesh to be torn;

- (v) “tranquilizer gun” means a pistol or rifle capable of propelling a dart containing a drug approved for use to tranquilize animals;
- (w) “wild animal” means any animal of a type that is normally found in a wild and natural state, whether or not it has been bred and/or raised in captivity and includes, but not limited to bears, wolves, eagle, hawks, tigers, alligators.

PART I

LICENSING/PERMITTING

Division 1 Licensing/permit Requirements

- 3. By January 31 of every year:
 - i. the owner of a domestic animal shall obtain a licence for the dog;
 - ii. the owner of a restricted dog shall obtain a licence for the restricted dog;
 - iii. this section does not apply to a domestic animal under the age of six months.
- 4. Despite section 3, after January 31, the owner of a domestic animal must obtain a licence within 15 days of obtaining possession of the domestic animal or moving into Town.
- 5. For domestic animals, sections 3 to 4, shall not apply to the following:
 - (i) persons temporarily in the Town for a period not exceeding four (4) weeks;
 - (ii) blind persons holding an identification card proving ownership of a guide dog for their use;
 - (iii) persons caring for a dog for a period of no longer than thirty (30) days, once per year, where the owner of the dog resides outside the Town.
- 6. Every licence for a domestic animal expires on December 31 of each year.
- 7. The burden of proof as to the age of a domestic animal shall rest upon the person in care and control of the domestic animal.
- 8. Any person wishing to have laying hens must apply for a permit.

**Division 2
Application**

9. When applying for a licence and/or permit, the owner shall provide all information that the animal control officer considers necessary.
10. The animal control officer may, in his discretion:
 - (i) reject the application; or
 - (ii) approve the application, with or without any conditions.
11. The owner shall pay the appropriate licence/permit fee as set by separate bylaw.
12. No person shall provide false or misleading information to the animal control officer.

**Division 3
Licence Tax/Permit**

13. For domestic animals:
 - i. the licence tag or restricted dog license tag is to be securely fastened to a choke chain, collar or harness and worn by the domestic animal at all times that the dog is not on the owner's property or permitted property.
 - ii. if it is not possible to securely fasten the licence tag to a domestic animal, the owner shall carry the tag with him.
14. For laying hens:
 - i. the permit is not transferable from one owner to another.
 - ii. the permit shall apply to the property and shall expire if the property changes ownership and/or the person to whom the permit was issued vacates the property.
15. The animal control officer may revoke a license/permit if:
 - (i) the applicant fails to comply with the conditions of the license/permit;
 - (ii) the license/permit was issued on the basis of incorrect information or misrepresentation by the applicant;
 - (iii) the license/permit was issued in error;

- (iii) the owner breaches a provision of this bylaw or any condition of any licence/permit.

**Division 4
Restricted Dogs**

- 16. The owner of a restricted dog shall have liability insurance specifically covering any damages for personal injury caused by the restricted dog in an amount not less than one million dollars (\$1,000,000.00).
- 17. The liability policy shall contain a provision requiring the issuer to immediately notify the Town in writing should the policy expire, be cancelled or terminated.
- 18. Upon cancellation, expiry or termination of the liability policy, the restricted dog license is null and void.

PART II

CONTROL OF DOMESTIC ANIMALS

**Division 1
Domestic Animals**

- 19. No domestic animal shall run at large.
- 20. No domestic animal shall bark or howl or make another noise thereby disturbing the quiet or repose of any person.
- 21. No domestic animal shall cause damage to property other than the owner's property or permitted property.
- 22. No domestic animal shall:
 - (i) bite, attack, threaten, harass, bark at, chase, kill or injure any person;
 - (ii) bite, attack, threaten, harass, bark at, chase, kill, or injure any other animal belonging to other persons; or
 - (ii) bite, bark at, or chase any vehicle.
- 23. Despite section 22, an owner is not guilty of an offence if his domestic animal threatens, chases, attacks or bites:
 - (i) a trespasser on the property where its owner resides, or in the case of a guard dog, a trespasser on the property being patrolled by the dog; or

(ii) a person who is physically abusing or teasing the dog.

24. Town council may designate areas where domestic animals are prohibited.

25. Town council may, by resolution, designate off leash areas.

**Division 2
Laying Hens**

26. No person shall house more than five (5) laying hens, including chicks at any one time.

27. No roosters will be allowed in Town.

28. The laying hens are to be kept for the production of eggs only. No slaughter or selling of laying hens is allowed.

29. The eggs produced are for their own consumption. No selling of eggs is permitted.

30. Laying hens must be kept in a pen. The pen must have a run attached that is no bigger than 6 ft long and 4 ft wide.

31. The enclosure is to be at a minimum 0.929 m² (10 ft²) and 0.91 m (3 ft) high and at a maximum no bigger than 1.8 m² (20 ft²) and no more than 1.82 m (6 ft) high or at the discretion of the animal control officer.

32. The pen and run are to be approved and in kept in a tidy manner.

33. No laying hens will be allowed to roam free in a yard.

34. Dead laying hens must be disposed of in a sanitary manner.

**Division 3
Owners**

35. A dwelling unit shall not house more than two dogs or 2 cats more than 6 months old at any one time.

36. If a domestic animal defecates on property other than the owner's property or permitted property, the owner shall cause such defecation to be removed immediately and disposed of in a sanitary manner.

37. Section 36 does not apply to a blind owner of a guide dog, or a blind person being assisted by a guide dog.

38. The owner of any property where a domestic animal is allowed to be shall maintain the property in a clean, sanitary and inoffensive condition at all times.
39. An owner of a female domestic animal shall keep it housed and confined in a building or kennel during the entire period such female is in heat except that the female may be allowed outside any such building or kennel for a reasonable period for the sole purpose of defecating on the owner's property or permitted property.
40. The owner of a domestic animal shall notify the animal control officer when his domestic animal has inflicted a serious wound on a person.

Division 4 Restricted Dogs

41. The owner or any person having care or control of a restricted dog shall, at all times when it is off the property of the owner, have it:
 - (i) under control;
 - (ii) muzzled;
 - (iii) on a permitted leash; and
42. The owner or any person having care or control of a restricted dog shall, at all times when it is on the property of the owner, have it:
 - (i) indoors;
 - (ii) outdoors, secure in a fully enclosed pen; or
 - (iii) outdoors, muzzled and secured by a chain fixed to the property that prevents the restricted dog from coming closer than two metres to the apparent boundary of the property.
43. The owner or any other person having care or control of a restricted dog shall ensure it does not:
 - (i) damage property;
 - (ii) chase, attack or bite any person or animal; or
 - (iii) chase, attack or bite any person or animal causing physical injury.
44. Where a dog is deemed to be a vicious dog, the owner of such dog shall:

- (iv) post signs on his or her premises alerting the public that a vicious dog is located on said premises;
- (v) not breed or sell such dog within the town; and
- (vi) notify the animal control officer should the dog become at large.

PART III

GENERAL PUBLIC

- 45. No person shall tease, torment, annoy, abuse or injure any animal.
- 46. No person shall untie, loosen or otherwise free an animal, which is not in distress unless the person has the owner's permission.
- 47. No person shall interfere with, hinder or impede an animal control officer in the performance of any duty authorized by this bylaw.

PART IV

POWERS OF ANIMAL CONTROL OFFICERS

Division 1

- 48. The animal control officer is authorized to order any person to comply with any section of this bylaw.
- 49. An animal control officer is authorized to capture, and impound in an animal shelter, any animal that is at large.
- 50. The animal control officer is authorized to take such reasonable measures as are necessary to subdue any animal which is at large, including the use of tranquillizer equipment and materials. If any such animal is injured, it may be taken to a veterinarian for treatment.
- 51. If a restricted dog is not being kept in accordance with this bylaw, the animal control officer is authorized to:
 - (i) make a complaint pursuant to the *Dangerous Dogs Act* RSA 2000, Chapter D-3 for an order/direction that such dog be controlled or destroyed;
 - (ii) make an application pursuant to the *Municipal Government Act* RSA 2000, Chapter M-26 for an order directing that such dog be controlled in accordance with this bylaw or be removed from the Town.

52. The animal control officer is authorized to place any animal under controlled confinement.
53. An animal control officer is authorized to investigate any complaints arising from the keeping of domestic animals.

Division 2 Impoundment

54. An impounded animal may be kept in an animal shelter for a period of no less than seventy two (72) hours. Sundays and statutory holidays shall not be included in the calculation of the seventy two (72) hour period.
55. During the seventy two (72) hour period, any animal may be redeemed by its owner, except as otherwise provided in this bylaw, upon payment to the Town or its authorized agent of:
 - (i) The appropriate impoundment fee;
 - (ii) The appropriate license fee when the dog is not licensed;
 - (iii) The cost of any veterinary treatment that is incurred; and
 - (iv) Any fines
56. Despite section 55, redemption of an animal can only be made during the administration regular office hours.
57. If no license has been issued for the domestic animal, or the conditions of the license have not been met, the animal control officer is not obliged to release the domestic animal.
58. At the expiration of the seventy two (72) hour period, the animal control officer is authorized to:
 - (i) offer the animal for sale, or for gift;
 - (ii) destroy the animal in a humane manner;
 - (iii) allow the animal to be redeemed by its owner in accordance with section 56;
 - (v) continue to impound the animal for any further period of time that the animal control officer decides.

59. The animal control officer shall report any apparent illness, communicable disease, injury or unhealthy condition of any impounded animal to a veterinarian and act immediately upon the veterinarian's recommendations.
60. No animal that a veterinarian determines should be destroyed can be redeemed.
61. No action for damages shall be taken against any person acting under the authority of this bylaw for destruction or disposal of an animal.

PART V

ENFORCEMENT

62. A person who contravenes this bylaw is guilty of an offense.
63. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by the bylaw for each such day.
64. Despite section 62, any person who commits a second or subsequent offence under this bylaw within one (1) year of committing the first offence is liable to a fine that is double of the original fine.
65. The fine amounts for use on offense ticket and violation tickets are established by separate bylaw.
66. Where there has been a breach of this bylaw, an animal control officer is authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the Provincial Offences Procedure Act, S.A. 1988, c.P-21.5, as amended.
67. Where an offence ticket is issued pursuant to this Bylaw, the following procedures shall apply:
 - (i) every offence ticket shall provide for payment to be made to the Town of Mundare within seven (7) days from the date of the offence ticket. If payment is made within the time limit, such payment shall be accepted in lieu of prosecution;
 - (ii) should payment not be made within fifteen (15) days from the date of issue of the offence ticket, a complaint shall be laid before a provincial court judge and prosecution for the alleged offence shall proceed as though no offence ticket had been issued;

- (iii) a person convicted of the offence specified on the offence ticket shall be subject to a fine in an amount not less than the penalty amount and other charges related thereto plus Court costs.

PART VI

GENERAL

- 68. The CAO or his designate has the same powers as the animal control officer.
- 69. This bylaw shall not apply to animals kept at any veterinary clinic or being securely transported within a motor vehicle to or from a veterinary clinic.
- 70. Should any section of this bylaw be deemed invalid, then the section is severed and the remaining bylaw shall be maintained.
- 71. An applicant is responsible for and is not excused from ascertaining and complying with the requirements of any federal, provincial, or other municipal legislation, including the municipality's land use bylaw. Where the keeping of the animals would not comply with any federal, provincial, or other municipal legislation, the animal control officer may refuse to issue a license.
- 72. Bylaw 813/10 as amended is hereby repealed.
- 72. This bylaw shall apply despite the presence of the animal in the municipality prior to the date of third reading.

READ a first time on the 7 day of June, 2016.

READ a second time on the 7 day of June, 2016

READ a third time on the 7 day of June, 2016.

Date

Mayor

Date

CAO