

TOWN OF HANNA

PROVINCE OF ALBERTA

BY-LAW NO. 808

A BYLAW OF THE TOWN OF HANNA IN THE PROVINCE OF ALBERTA PROVIDING FOR THE CONTROL OF ANIMALS PURSUANT TO THE PROVISIONS OF THE MUNICIPAL GOVERNMENT ACT, CHAPTER M-26, R.S.A. 1980, AND AMENDMENTS THERETO.

THE MUNICIPAL COUNCIL OF THE TOWN OF HANNA IN THE PROVINCE OF ALBERTA DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

DEFINITIONS

1. In this bylaw:

- a) "Animal Control Officer" means a Special Constable or By-Law Enforcement Officer and any person appointed or authorized to carry out the provisions of this bylaw;
- b) "Animal" includes a dog, fowl, horse and/or any domestic livestock. For the purpose of this bylaw a domestic cat shall not be included in the definition of an animal;
- c) "Bylaw Enforcement Officer" means the person or persons appointed from time to time by Bylaw of the Town of Hanna with all the powers of a peace officer;
- d) "Council" means the Municipal Council of the Town of Hanna;
- e) "Dog" means and includes both males and females of the canine family;
- f) "Dog Fancier's License" means a license issued annually to an owner permitting the keeping or harbouring, on land or premises occupied by the owner, up to four (4) licensed dogs over the age of three months;
- g) "Former Owner" means the person who at the time of impoundment was the owner of the dog which has subsequently been sold or destroyed;

- h) "Fowl" includes chickens, ducks, turkeys and geese;
- i) "Judge" has the meaning as in the PROVINCIAL COURT ACT R.S.A. 1980 as amended or replaced from time to time;
- j) "Leash" means a chain or other material capable of restraining the dog on which it is being used;
- k) "License Inspector" means the License Inspector for the Town of Hanna as appointed from time to time or his authorized assistants;
- l) "Livestock" means any domestic animals other than horses and fowl but does not include a domestic cat;
- m) "Owner" means a person or corporate body who has legal title to an animal and includes any person who has possession or custody of the animal, either temporarily or permanently, or harbors the animal or permits the animal to remain on his premises;
- n) "Parks or Parkland" includes picnic grounds, open spaces, playgrounds and playfields including all hiking trails within same, beaches, swimming pools, wading pools and other water bodies, and the open spaces or green areas adjacent to or under the control or jurisdiction of the Town and whether or not the custody, care, management and control of such areas have been delegated to another body or agency and regardless of whether all members of the public have a right of access thereto;
- o) "Peace Officer" means a member of the Royal Canadian Mounted Police or a Special Constable appointed pursuant to the Police Act R.S.A. 1980;
- p) "Pound" means a Town facility established for the holding of impounded dogs as set out in this bylaw;

- q) "Register" shall mean with the Town of Hanna;
- r) "Running at Large" means
 - i) a dog or dogs which is or are not under the control of a person responsible by means of a leash and is or are actually upon property other than the property in respect of which the owner of the dog or dogs has the right of occupation or upon any highway, thoroughfare, street, road, trail, avenue, parkway, lane, alley, bridge, sidewalk (including the boulevard portion of the sidewalk), park or other public place;
 - ii) a dog or dogs which is or are under the control of a person responsible by means of a leash and which causes damage to persons, property or other animals;
- s) "School Ground" means that area of land adjacent to a school and is owned or occupied by Rangeland School Division wholly or jointly with the Town;
- t) "Sterilized" means any female dog that has been spayed or any male dog that has been neutered;
- u) "Tag" means a device as approved by the Town Administrator and issued by the Animal Control Licensing Division showing that a license fee has been paid for the dog wearing it for the year it was issued;
- v) "Town" means the Town of Hanna;
- w) "Veterinarian" means a registered veterinarian as defined in the Veterinary Profession Act.
- x) "Vicious Dog" means any dog, whatever its age, whether on public or private property, which has without provocation, damaged or destroyed any public or private property; or without provocation threatened or created reasonable apprehension of a threat to any human or other domestic animals; and which, in the opinion of a Judge, may present a threat of serious harm to any human or other domestic animals;

- y) "Wildlife Sanctuary" means an area designated and maintained for the protection of animal and/or bird wildlife.

RESPONSIBILITIES OF DOG OWNERS

LICENSING

- 2. The owner of a dog shall:
 - a) Obtain an annual license for such dog at such times as specified in Section 2 and shall pay an annual fee as set out in Schedule "A" of this Bylaw.
 - b) Submit a certificate or documentation of sterilization prior to obtaining a dog license in order to determine the license payable by that owner.
 - c) Not give false information when applying for a dog license.
 - d) Obtain a license for such dog on the first day on which the Town Office is open for business after the dog becomes three months of age.
 - e) Obtain a license for a dog notwithstanding that it is under the age of three months, where the dog is found running at large.
 - f) Obtain a license on the first day on which the Town Office is open for business after he becomes the owner of the dog.
 - g) Obtain the annual license for the dog on the first day the Town Office is open for business after January first every year.
 - h) Ensure that his dog wears the current tag purchased for that dog, when the dog is off the property of the owner.

- i) Purchase a replacement dog tag, if the original is lost, by presenting the receipt for payment of the current years license fee to the Animal Control Officer and or Licensing Inspector who will issue a new tag to the owner for a fee as set out in Schedule "A".
- j) Ensure that tags are not transferred from one dog to another.

VICIOUS DOG LICENSING

- 3. The owner of a vicious dog shall:
 - a) Be over the age of seventeen (17) years.
 - b) Within three (3) days after the dog has been declared vicious have a licensed veterinarian tattoo or implant identification in the animal and provide a copy of the information contained thereon to the Animal Control Officer prior to a license being issued.
 - c) Obtain a vicious dog license pursuant to the provisions of Section 3 on the first day on which the Town Office is open for business after the dog has been declared as vicious.
 - d) Obtain an annual license for such vicious dog at such times as specified in Section 3 and shall pay an annual fee as set out in Schedule "A" of this Bylaw.
 - e) Not give false information when applying for a vicious dog license.
 - f) Obtain a license for such vicious dog on the first day on which the Town Office is open for business after the vicious dog becomes three months of age.
 - g) Obtain a license for a vicious dog notwithstanding that it is under the age of three months, where the vicious dog is found running at large.
 - h) Obtain a license on the first day on which the Town Office is open for business after he becomes the owner of the vicious dog.

- i) Obtain the annual license for the vicious dog on the first day the Town Office is open for business after January first every year.
- j) Ensure that his vicious dog wears the current tag purchased for that vicious dog, when the vicious dog is off the property of the owner.
- k) Purchase a replacement vicious dog tag, if the original is lost, by presenting the receipt for payment of the current years license fee to the Animal Control Officer and or Licensing Inspector who will issue a new tag to the owner for a fee as set out in Schedule "A".
- l) Ensure that tags are not transferred from one vicious dog to any other dog.
- m) Notify the Animal Control Officer in writing should the dog be sold, gifted, transferred to another person or die.
- n) Remain liable for the actions of the dog until written notification of sale, gift or transfer is received by the Animal Control Officer.
- o) Notify the Animal Control Officer and/or the Town Office if the dog is running at large.

DOG FANCIER

- 4. The maximum number of dogs in a single family dwelling or household shall be restricted to two (2) dogs over the age of three (3) months, except in the case where an owner is in receipt of a Dog Fancier's License.
- 5. a) Any person requesting a Dog Fancier's License shall submit an application to the Animal Control Officer which shall disclose;
 - i) location of property upon which the dogs will be housed;
 - ii) purpose;
 - iii) breed and sex of dogs;
 - iv) type of facilities;
 - v) consent of adjacent landowners;
- b) The Animal Control Officer shall not issue a Dog Fancier's License if, in his opinion, the site or conditions are unsuitable.

- c) Any person who is refused a Dog Fancier's License may appeal the decision of the Animal Control Officer to Council provided such appeal is submitted in writing within fourteen (14) days of the Animal Control Officers decision.
- d) Any approved license shall be issued upon payment of the fee specified in Schedule "A" of this Bylaw. Each Dog Fancier's License shall be issued pursuant to Section 2 and/or 3 of this Bylaw.
- e) The Animal Control Officer may remove the Dog Fancier's License upon receipt of bonafide complaints from two or more neighbors residing within sixty (60) meters of the residence of the licensee.

RECORD KEEPING

- 6. The License Inspector shall keep a book in which he shall record the name, address and telephone number of each owner, the breed, age, color and sex of each dog, the number stamped on the tag issued to the owner and the amount of the license fee paid by the owner.

PAYMENT OF LICENSE

- 7. Where a license required pursuant to this Bylaw has been paid for by the tender of an uncertified cheque, the license:
 - a) is issued subject to the cheque being accepted and cashed by the bank without any mention of this condition being made on the license; and
 - b) is automatically revoked if the cheque is not accepted and cashed by the bank on which it was issued.
- 8. No refund shall be made on any paid up dog license fee because of death, loss or sale of the dog or upon the owner's leaving the Town prior to expiration of the license period.

HANDICAPPED OWNERS

9. Notwithstanding Section 2 and/or 3, where the Animal Control Officer is satisfied that a person who is handicapped is the owner of a dog trained and used to assist such handicapped person, there shall be no fee payable by the owner for a license under Section 2 and/or 3, however Section 11 (a) (b) (c) (d) (e) (h) (j) (k) (l) (m) (n) and Section 12 shall apply.

VISITORS

10. The provisions of Sections 2 and 3 shall not apply to persons temporarily in Town for a period not exceeding two weeks however, Section 11 and Section 12 shall apply at all times the visitor's dog is in the Town.

NUISANCE

11. No owner shall allow/permit his dog:
 - a) to run at large; or
 - b) to attack/bite or attempt to attack/bite any person or animal; or
 - c) to bark/howl in a manner so as to disturb any person day or night; or
 - d) to chase any person, animal, bicycle, or motor vehicle; or
 - e) to be in a park while not on a leash and not under the control of a person; or
 - f) to be within a site containing playground apparatus and/or a sand play area; or
 - g) to be within any area designated as picnic grounds; or
 - h) to be on a leash that exceeds two metres in length; or

- i) to defecate on any public or private property (other than the property of its owner). The owner shall cause such defecation to be removed immediately; or
- j) to cause damage to property or other animals; or
- k) to upset any waste receptacles or scatter contents thereof either in or about a street, lane or other public property in or about premises not belonging to or in the possession of the owner of the dog; or
- l) to be left unattended in any motor vehicle unless the dog is restricted so as to prevent access to persons, as long as such restraint provides for suitable ventilation; or
- m) to be loose in any bird or animal wildlife sanctuary; or
- n) to enter a pool of water located in a park.

NUISANCE/VICIOUS DOG

12. The owner of a vicious dog shall ensure:

- a) that such dog does not, without provocation:
 - i) chase a person; or
 - ii) injure a person; or
 - iii) bite a person; or
 - iv) chase other domestic animals; or
 - v) injure other domestic animals; or
 - vi) bite other domestic animals; or
 - vii) damage or destroy public or private property.

- b) when such dog is on the property of the owner:
 - i) either such dog be confined indoors and under the control of a person over the age of seventeen (17) years; or
 - ii) when outdoors such dog be locked in a pen or other structure, constructed to prevent the escape of the vicious dog and capable of preventing the entry of any person not in control of the dog.
 - iii) such dog is kept as if the provisions of Section 12(c) applied to such dog while on the property of the owner.

- c) a locked pen or other structure shall:
 - i) have secure sides and a secure top, and if it has no bottom secured to the sides, the sides must be embedded in the ground to a minimum depth of thirty (30) centimeters.
 - ii) provide the vicious dog with shelter from the elements and be of the minimum dimensions of one and one-half (1.5) metres by three (3) metres and be a minimum one and one-half (1.5) metres in height.
 - iii) not be less than one (1) metre from the property line or less than five (5) metres from a neighboring dwelling unit.

- d) at all times, when off the property of the owner, such dog is securely
 - i) muzzled, and
 - ii) harnessed or leashed on a lead which length shall not exceed one (1) metre, in a manner that prevents it from chasing, injuring or biting other domestic animals or humans as well as preventing damage to public or private property, and
 - iii) under the control of a person over the age of seventeen (17) years.

COMMUNICABLE DISEASES

13. An owner of a dog or vicious dog suspected of having rabies:
 - a) shall immediately report the matter to Agriculture Canada, Veterinary Inspection Directorate or to the Animal Control Officer; and
 - b) shall confine or isolate the dog in such a manner as prescribed by a Veterinarian as to prevent further spread of the disease for a period of time deemed necessary at the cost of the owner.

ANIMAL CONTROL OPERATION/AUTHORITY

14. An Animal Control Officer of the Town may capture and impound any dog or vicious dog:
 - a) found running at large; or
 - b) which is required to be impounded pursuant to the provisions of any Statute of Canada or of the Province of Alberta, or any Regulation made thereunder.

OBSTRUCTION

15. No person shall in any manner hinder or obstruct an Animal Control Officer in the performance of his duties under this bylaw.

KEEPING OF LIVESTOCK, FOWL OR HORSES

16. No person shall keep fowl or livestock within the Town limits.
17. Pursuant to Schedule "B", the keeping of horses within the Town shall be permitted only in those districts defined as "Residential Acreage" and "Urban Reserve" in the Town of Hanna Land Use Bylaw.

INTERFERENCE WITH ANIMALS

18. No person shall:
- a) untie, loosen or otherwise free an animal which has been tied or otherwise restrained;
 - b) negligently or willfully open a gate, door or other opening in a fence or enclosure in which an animal has been confined and thereby allow an animal to run at large in the Town.

NOTIFICATIONS

19. If an Animal Control Officer knows or can ascertain the name of the owner of any impounded dog, he shall serve the owner with a Notice either by delivering the notice to the owner or an adult person at the residence or place of business of the owner or by mailing it to the last known address of the owner.

RECLAIMING

20. The owner of any impounded dog or vicious dog may reclaim the dog or vicious dog from the pound by paying to the Town the cost of impoundment as set out in Schedule "C" of this Bylaw, and by obtaining the license for such dog or vicious dog, should a license be required under this Bylaw.
21. Where a dog is claimed, the owner shall provide proof of ownership of the dog.

SALE OR DESTRUCTION

22. If the owner of a dog that has been impounded
- a) cannot be located and notified within 5 business days after the date on which the animal was impounded, or
 - b) is located and notified but does not, within 5 business days of the date on which the dog was impounded, pay the expenses and penalties incurred in respect of the dog;

the dog may be sold or given to any person by the Animal Control Officer and the dog becomes the property of the person to whom it is sold or given.

23. Pursuant to Section 22, the Animal Control Officer may destroy the animal or cause the animal to be destroyed, if in the opinion of the Animal Control Officer the dog is not suitable to be sold or given away.
24. The Animal Control Officer may retain a dog for a longer period if in his opinion the circumstances warrant the expense.
25. The Animal Control Officer may, before selling an unclaimed dog, require that the dog be spayed or neutered.
26. When the Animal Control Officer arranges to put a dog to death the owner shall pay to the Town the fee charged by the Veterinarian.

PENALTIES

27. Where an Animal Control Officer or a Special Constable of the Town believes that a person has contravened any provision of this Bylaw, he may commence proceedings by issuing a summons by means of a violation ticket in accordance with Part 2 of the Provincial Offences Procedure Act, R.S.A. 1988, Chapter P-21.5.
28. The specified penalty payable in respect of a contravention of a provision of this bylaw is the amount shown in Schedule "B" of this Bylaw in respect of that provision.
29. Notwithstanding Section 28:
 - a) where any person contravenes the same provision of this Bylaw twice within one twelve month period, the specified penalty payable in respect of the second contravention is double the amount shown in Schedule "B" of this Bylaw in respect of that provision, and

- b) where any person contravenes the same provision of this Bylaw three or more times within one twelve month period, the specified penalty payable in respect of the third or subsequent contravention is triple the amount shown in Schedule "B" of this Bylaw in respect of this provision.
30. A Judge, after convicting the owner of a dog of an offence under this Bylaw or the Dangerous Dog Act, Chapter D-3, may in addition to other penalties imposed, order owner of subject dog to:
- a) purchase the required dog license;
 - b) pay any outstanding pound or veterinary fees due to the Town;
 - c) reimburse the Town for any and all expenses incurred in repairing, replacing, and or cleaning up damage incurred by subject dog.
31. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than TWO THOUSAND, FIVE HUNDRED DOLLARS (\$2500.00) and in default of payment is liable to imprisonment of a term not exceeding six (6) months.
32. The minimum fines on summary conviction in respect to a contravention of this Bylaw with respect to vicious dogs shall be the same amounts as shown in Schedule "B" regarding vicious dogs.
33. The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which he is liable under the provisions of this Bylaw.
34. A Provincial Court Judge, in addition to the penalties provided in this Section, may if he considers the offence sufficiently serious, direct or order the owner of the dog to stop the animal from doing mischief or causing the disturbance or nuisance complained of, or to have the animal removed from the Town or have the animal destroyed.

35. A Judge, after convicting the owner of a dog of an offence under this Bylaw, may, in addition to any other penalties imposed or orders made, and without further notice or hearing, declare the subject dog a vicious dog, pursuant to the provisions of this Bylaw.
36. It is the intention of Council of the Town that each separate provision of this Bylaw shall be deemed independent of all other provisions, and it is further the intention of the Council that if any provision of this Bylaw be declared invalid for any reason by a Court of competent jurisdiction, then all other provisions of this Bylaw shall remain valid and enforceable.
37. This Bylaw shall come into effect upon third reading thereof.
38. Bylaws numbered 480, 571, 624 and 630 are hereby repealed.

READ A FIRST TIME AND PASSED this 9th day of November, A.D., 1993.

Mayor

Municipal Manager

READ A SECOND TIME AND PASSED this 9th day of November, A.D., 1993

READ A THIRD TIME AND FINALLY PASSED THIS 9th day of November A.D., 1993

Mayor

Municipal Manager

SCHEDULE A

THE ANIMAL CONTROL BYLAW ANNUAL LICENSE FEES

| DOG LICENSE | AMOUNT |
|------------------------------|----------|
| 1) Male or Female | \$25.00 |
| 2) Sterilized Male or Female | \$15.00 |
| 3) Vicious Dog License Fee | \$100.00 |
| 4) Replacement Dog Tag | \$2.00 |
| 5) Dog Fanciers License | \$50.00 |

SCHEDULE B

SPECIFIED PENALTIES

| OFFENCE UNDER | OFFENCE | AMOUNT |
|---------------|--|----------|
| Section 2 | Licensing Dog | \$100.00 |
| Section 3 | Licensing Vicious Dog | \$500.00 |
| Section 4 | More than two dogs per household | \$100.00 |
| Section 11(a) | Run at large | \$100.00 |
| (b) | Bite/attack a person | \$200.00 |
| (c) | Bark, howl, disturb a person | \$100.00 |
| (d) | Chase a person, vehicle or animal | \$200.00 |
| (e) | Be in a park without leash | \$100.00 |
| (f) | Be in playground | \$100.00 |
| (g) | Be in a picnic area | \$100.00 |
| (h) | Use a leash longer than 2m | \$100.00 |
| (i) | Defecate on private or public grounds | \$100.00 |

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|-----|---|----------|
| (j) | Damage property or animals | \$200.00 |
| (k) | Upset waste receptacles | \$100.00 |
| (l) | Left unattended/not leashed in vehicle | \$100.00 |
| (m) | Loose in animal/bird sanctuary | \$100.00 |
| (n) | Enter pool of water in park | \$100.00 |

Section 12 Vicious Dog Offences

| | | |
|-----------------|---|-----------|
| (a)(i)(ii)(iii) | Chase, injure, bite a person | \$1000.00 |
| (a)(iv)(v)(vi) | Chase, injure, bite a domestic animal | \$500.00 |
| (a)(vii) | Damage/destroy public/private property | \$500.00 |
| (b)(i)(ii)(iii) | Keep/control requirement on owners property | \$500.00 |
| (d)(i)(ii)(iii) | Control requirement while off owners property | \$500.00 |

SPECIFIED PENALTIES

| OFFENCE UNDER | OFFENCE | AMOUNT |
|---------------|--|----------|
| Section 13 | Isolate suspected rabies infected dog | \$200.00 |
| Section 15 | Obstruction | \$500.00 |
| Section 16 | Keeping fowl or livestock in Town | \$100.00 |
| Section 17 | Keeping horses in Town Permitted only in "Residential Acreage" zoning and "Urban Reserve" (as defined in Town of Hanna Land Use Bylaw) not more than 1 horse per 10,000 f2 feet (1015 m2) | \$100.00 |

| | | |
|---------------|--|----------|
| Section 18(a) | Untie/free restrained animal | \$100.00 |
| (b) | Negligently or willfully open gate, door or fence enclosure allowing animal(s) to run at large | \$100.00 |

SCHEDULE C

AMOUNT TO BE PAID TO ANIMAL CONTROL OFFICER BY OWNER OF ANIMAL IN ORDER TO RECLAIM OR DESTROY A DOG AT THE TOWN OFFICE

| DESCRIPTION | AMOUNT |
|--|----------|
| 1. Impoundment Fees | \$50.00 |
| 2. Vicious Dog Impoundment Fee | \$250.00 |
| 3. Care and sustenance (per day or portion thereof. To commence at midnight on the day of impoundment) | \$10.00 |
| 4. Veterinary Fees for Tranquilizing - amount expended | |
| 5. Destruction and Disposal of Dog by Veterinarian | \$40.00 |

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