

MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

BYLAW NO. 1198-10

Being a Bylaw of the Municipal District of Pincher Creek No. 9 in the Province of Alberta, respecting the regulation and control of animals in the Municipal District of Pincher Creek No. 9

WHEREAS the *Municipal Government Act*, R.S.A 2000, Chapter M.26 and amendments thereto, allows a municipality to pass bylaws regulating and controlling wild and domestic animals and activities in relation to them;

AND WHEREAS the *Municipal Government Act*, R.S.A 2000, Chapter M.26 and amendments thereto, allows a municipality to impose fines and penalties for infractions of the bylaws;

NOW THEREFORE the Council of the Municipal District of Pincher Creek No. 9 enacts as follows:

1. This Bylaw may be cited as "Animal Control Bylaw No. 1198-10".
2. This bylaw is for the purpose of controlling animals within the MD of Pincher Creek No. 9, with specific regulations related to Hamlets within the Municipal District of Pincher Creek No. 9.
3. Definitions

In this bylaw unless the content otherwise requires:

- a. "Animal" means a species excluding humans and wildlife, being kept in a domestic situation for the purposes of animal husbandry.
- b. "Animal Care Service, Major" means developments used for the care, treatment, boarding, breeding, or training of animals and livestock within or outside buildings and includes the supplementary sale of associated products. This use includes veterinary offices or hospitals, animal shelters, boarding or breeding kennels, facilities for impounding or quarantining animals and related research or storage facilities.
- c. "Animal Care Service, Minor" means developments for the onsite treatment or grooming of small animals such as household pets, where onsite accommodation is not normally provided and where all care and confinement facilities are enclosed within a building. This use includes off site treatment of animals or livestock of any size and the supplementary sale of associated products. Examples include pet grooming stores, pet clinics and veterinary offices.
- d. "Animal Control Officer" means a Bylaw Enforcement Officer, or Peace Officer having jurisdiction with the MD, or any other person, firm or corporation appointed by Council to carry out the provisions of the bylaw.
- e. "Bylaw Enforcement Officer" means a person appointed by Council pursuant to provisions of the *Municipal Government Act*, R.S.A. 2000, and amendments made thereto.
- f. "Cat" means an altered or unaltered, mature female or male or immature offspring of any domesticated feline species.
- g. "Dangerous Dog or Animal" means any dog or animal:
 - (1) that has chased, injured or bitten any other animal or human;
 - (2) that has damaged or destroyed any public or private property;

- (3) that has threatened or created the reasonable apprehension of a threat to a human or other animal;
 - (4) that in the opinion of a Justice, presents a threat of serious harm to other animals or humans;
 - (5) that has been previously declared as dangerous by way of the *Dangerous Dogs Act* (R.S.A. 2000 Chapter D-3 as amended).
- h. "Day" means a continuous period of twenty-four (24) hours.
 - i. "Dog" means an altered or unaltered, mature female or male or immature offspring of any domesticated canine species.
 - j. "Feral" means a free-ranging animal, dog, or cat that, having escaped from domestication, is wild and has no identifiable owner.
 - k. "Former Owner" means the person, who at the time of impoundment was the owner of an animal which has subsequently been sold or euthanized.
 - l. "Hamlet" means the Hamlets of Beaver Mines, Lowland Heights, Lundbreck, Pincher Station and Twin Butte.
 - m. "Justice" has the meaning as defined in the *Provincial Offences Procedure Act*, R.S.A. 2000, c P-34, as amended.
 - n. "Kennel" means:
 - (1) a commercial or sport/hobby operation that boards, breeds, and rears or trains dogs, cats and their offspring;
 - (2) any premises that serves as an animal shelter used primarily for the impoundment of dogs, cats and their offspring, and includes any premises owned or leased by any philanthropic organization serving those purposes, such as the S.P.C.A.;
 - (3) any premises that has a valid Development Permit for the purposes listed in this section, issued pursuant to the Land Use Bylaw.
 - (4) a premise that has a valid Development Permit, issued pursuant to the Land Use Bylaw, for the sole purpose of caring for or treating animals under the supervision of a licenced veterinarian is not a kennel.
 - o. "Nuisance" means the keeping of any dogs, cats or other animal that are injurious to the health of an individual, or obnoxious to property or the community at large by reason of:
 - (1) the accumulation of animal waste and material contaminated by waste;
 - (2) the disposal of animal waste and material contaminated by waste;
 - (3) the trespass upon property;
 - (4) the threat to public health and/or safety.
 - p. "Owner" means any natural person or body corporate:
 - (1) who has legal title to the animal;

- (2) who possesses or has custody of the animal, either temporarily or permanently;
 - (3) who harbours the animal or allows or encourages the animal to remain about that person's residence or premises;
 - (4) who is any competent person occupying a residence or premises where an animal is kept, harboured or allowed to remain.
- q. "Premises" means the area of land and any building contained in a legal land description or identified by geo-referenced coordinates (such as latitude and longitude), and is where animals are bred, kept, raised, displayed, assembled or disposed of.
- r. "Running at Large" means an animal that is:
- (1) not under the control of an identifiable owner and is actually upon property other than property in respect of which the owner has a right of occupation, or upon any highway, road, alleyway, or other public place, including playgrounds, school grounds, cemeteries, and sports fields; or
 - (2) apparently under the control of an owner or other person responsible and that causes damage to persons, property or other animals.
- s. "S.P.C.A." means the Society for the Prevention of Cruelty to Animals and includes any premises owned, leased or otherwise held by that organization.

4. Responsibility of Owners

- a. The owner of a dog or cat shall take all reasonable precautions to ensure that the animal:
- (1) Cannot be found running at large either:
 - (a) by securing the animal so that it is unable to leave the owners' premises;
 - (b) by directly controlling the animal whenever the animal is on property other than property in respect of which the owner has a right of occupation, or upon any highway, road, alleyway, or other public place, including playgrounds, school grounds, cemeteries, and sports fields;
 - (c) by placing the animal under the competent supervision of a person who could keep the animal from running at large in the same manner as listed in subsections (a) and (b) above.
 - (2) does not upset any garbage containers or spread domestic garbage;
 - (3) if an animal defecates on any public or private property other than the property of its Owner, the Owner shall remove such feces immediately.
- b. Whenever an animal is found to be running at large, the owner of that animal shall immediately make all reasonable efforts to:
- (1) bring the animal under direct control and secure it on the owners' premises;
 - (2) clean-up garbage, feces or fix any damage otherwise caused by the animal running at large.

- c. Whether a dog and cat or other animal is or was under control in the circumstances is a question of fact to be determined by a Court.

5. Prohibitions, Restrictions and Authorizations

- a. The following animal species are prohibited in all Land Use District within the Municipal District of Pincher Creek No. 9:

- (1) Wild Boar (*Sus scrofa*)
- (2) Norway Rat (*Rattus spp*)
- (3) Venomous Snakes

- b. The following animal species are prohibited in Hamlets:

- (1) Bees (*Apis mellifera*)

6. Restrictions Respecting Land Use

- a. No person shall have in their possession, custody or control, an animal of any species listed in Appendix "A" on lands or premises within a Hamlet, unless that person or animal:

- (1) has a valid Development Permit issued pursuant to the Land Use Bylaw for an Animal Care Service, Major or Animal Care Service, Minor; or
- (2) is participating in a cultural or community-sanctioned event; or
- (3) is 'in transit' and will be held within the Hamlet for a period not exceeding 6 hours.

- b. No person shall have in their possession, custody or control, any more animals of the species than are authorized in Appendix "A" on lands or premises within the Grouped Country Residential District, unless that person:

- (1) has a valid Development Permit issued pursuant to the Land Use Bylaw for an Animal Care Service, Major or Animal Care Service, Minor; or
- (2) is participating in a cultural or community-sanctioned event; or
- (3) is 'in transit' with the animals and that they will be held within the Grouped Country Residential District for a period not exceeding 48 hours in 3 months.

- c. Owners may have in their possession, custody or control, any animals of any species listed in Appendix "A" or any animal species listed under provincial legislation in any numbers or density up to the limits imposed by the Agricultural Operation Practices Act (R.S.A. 2000, C. A-7) and its regulations and amendments, on lands or premises in every Land Use District except those referred to in S. 6.a. or S.6.b.

- d. No person shall have in their possession, custody or control, any more than three (3) dogs on lands or premises within a Hamlet, within the Grouped Country Residential District, or within the Castle Mountain Resort, unless that person:

- (1) has a valid Development Permit issued pursuant to the Land Use Bylaw for an Animal Care Service, Major authorizing the custody of four (4) or more dogs within the Land Use District; or

- (2) is participating in a cultural or community-sanctioned event, and the excess dogs remain in their custody and control throughout the event;
or
 - (3) keeps any number of dogs in excess of three (3) for a period that shall not exceed a cumulative total of 90 days in 12 months.
- e. No person shall have in their possession, custody or control, any more than four (4) dogs on lands or premises in every Land Use District except those referred to in S. 6.d. unless that person:
- (1) has a valid Development Permit issued pursuant to the Land Use Bylaw for an Animal Care Service, Major authorizing the custody of five (5) or more dogs; or
 - (2) keeps any number of dogs in excess of four (4) for a period that shall not exceed a cumulative total of 90 days in 12 months.
- f. The number of each type of animal allowed on a lot or a titled land parcel within a land use district referred to in Section 6.a, or 6.b, is restricted as described in Appendix "A". The number of animals allowed may increase by the amount in column 2, "Number per specified unit of land", for each specified minimum unit area of land within a lot or parcel only to the maximum number stated in column 3 of Appendix "A".

7. Animal Care Services

Persons wishing to provide an Animal Care Service, Major; or an Animal Care Service, Minor, must comply with the provisions as set out in the MD of Pincher Creek No. 9 Land Use Bylaw.

8. Maintenance of Premises

The owner of any premises referred to in S 6. where animals are bred, kept, raised, displayed, assembled or disposed of shall ensure that:

- a. the site is maintained in a clean state;
- b. waste and materials contaminated by waste are disposed of safely and in a timely manner;
- c. waste and materials contaminated by waste are not allowed to accumulate;
- d. waste and materials contaminated by waste are retained on the premises while awaiting disposal.

9. Reportable Disease

An owner of an animal which is suffering from those diseases which require action to control or eradicate because they are a threat to animal or human health, food safety or the economy as directed by Alberta Agriculture and Rural Development:

- a. must comply with the reporting and administration requirements of the *Animal Health Act*, S.A. 2007, c A-40.2;
- b. may request the assistance of an Animal Control Officer in the Municipal District of Pincher Creek No. 9;
- c. shall not permit the animal to be in any public place;
- d. shall keep the animal in isolation or as directed by a licenced veterinarian;

- e. shall observe proper sanitary practices and exercise precautions to prevent the transfer of the disease to other animals on the premises, or any other premises.

10. Adjudication

- a. Any person who contravenes any part or parts of this bylaw is guilty of an offense. Persons wishing to refute any claims or charges with respect to this bylaw may make application to appeal before the Agricultural Appeal Board, provided the application is received within thirty (30) days of the violation notice being issued.

The Appeal Board will respond within ten (10) days of receipt of the application:

- (1) denying the application with the applicant being advised they have the right to appeal for the Courts;
- (2) granting the applicant an appeal hearing and setting a date for the matter to be heard.

Where a hearing has taken place, the Agricultural Appeal Board will provide a written response to the applicant within fifteen (15) days of the Board's decision being made.

- b. Persons not wishing to make a submission to the Agricultural Appeal Board may make application to the Courts for their matter to be heard.
- c. Any person found guilty and convicted of an offense by the Court Justice in relation to this bylaw, a Court Justice, in addition to imposing a penalty as provided herein, may, if such animal shall have done damage to persons or property, order the owner of such animal to pay any or all damages as the complainant may have sustained and may declare the animal dangerous in respect of the *Dangerous Dogs Act* R.S.A. 2000 c. D-3 or dangerous in respect of this bylaw, and prescribe any measures that may be deemed necessary or that may be required to eliminate the risk of another offence, or may order the owner of the animal to deliver such animal forthwith to an Animal Control Officer to be destroyed.

11. Animal Control Operation – Authority

- a. Subject to the entry notice provisions of the *Municipal Government Act* R.S.A. 2000 c. M-26, an Animal Control Officer is a designated Officer of the Municipal District of Pincher Creek No. 9, bearing proper identification, and may enter a premises to conduct an inspection in order to determine whether or not this bylaw or an order pursuant to this bylaw is being complied with.
- b. Any dog or cat owner, when requested to do so by an Animal Control Officer, shall submit to the Officer a statutory declaration or other acceptable documentation establishing the age and sex of all dog and cats owned or controlled by the owner, for the purposes of establishing if a kennel operation exists.
- c. Only an Animal Control Officer or Peace Officer shall capture and impound an animal, dog or cat in any Land Use Districts referred to in S.6.a., 6.b., or 6.d.:
 - (1) that is found running at large, or with respect to this bylaw for which a complaint has been made about the animal running at large;
 - (2) that has bitten, attacked or injured a person or caused the death of

another animal;

- (3) for which an outcome is pending on an application to a justice to declare the animal to be dangerous or to destroy the animal.

12. Obstruction

No person including the owner of an animal which is being or has been pursued or captured by an Animal Control Officer shall:

- a. Interfere with or attempt to obstruct an Animal Control Officer who is attempting to capture or who has captured an animal which is subject to being impounded pursuant to the provisions of this bylaw.
- b. Unlock or unlatch or open the vehicle used in controlling or transporting a captured animal so as to allow or attempt to allow any animal to escape therefrom.
- c. Give false information to an Animal Control Officer when requested to give information during the course of an investigation.

13. Negligence

No person shall:

- a. Untie, loosen or otherwise release an animal which has been tied or otherwise restrained;
- b. Negligently or wilfully open a gate, door or other opening in a fence or enclosure in which an animal has been secured or confined and thereby allow an animal to run at large.

14. Torment

No person shall tease, torment, annoy, abuse or injure an animal, and any person who does so is guilty of an offence.

15. Licencing – Hamlets

The owner of an animal shall ensure every dog over six (6) months of age, owned by a resident in a Hamlet, shall be licenced. A tag will be issued and must be worn by the dog, on a collar. Fees associated with licencing as per Schedule “B”, attached to and forming part of this bylaw.

16. Notice of Enforcement

- a. If the Animal Control Officer knows or can ascertain the name of the owner of any impounded animal he shall serve the owner with a copy of “Schedule A” either personally or by leaving it, or mailing it to the last known address of the owner by registered mail; and
- b. An owner of an animal to whom a notice is mailed pursuant to the provisions of Subsection 16. a. is deemed to have received a Notice within seven (7) days of the time it is registered as mail.

17. Violation Tag

A person designated by the Council of the MD of Pincher Creek No. 9, to carry out the provisions as set out in this bylaw, shall have the authority to issue a Violation Tag for infractions of this bylaw. The form of Violation Tag shall be as per Appendix “B”, attached to and forming part of this bylaw, or an approved provincial/federal violation ticket.

18. Reclaiming

The owner of any impounded animal may reclaim the animal by paying the Animal Control Officer or other person in authority, the fees as set out in "Schedule B" of this bylaw.

19. Sale or Destruction

- a. The Animal Control Officer shall not sell or destroy an impounded animal:
 - (1) until such time as the dog or cat has been impounded for a period of seventy-two (72) business hours after the owner has received notice or is deemed by Section 16. (b) to have received notice that the dog or cat is impounded;
 - (2) where the owner of the animal has made arrangements with the person in charge for the further retention of the animal.
- b. The Animal Control Officer may retain an animal for a longer period if the circumstances warrant the expense.
- c. Any dog or cat whose owner cannot be located or identified may be turned over to the S.P.C.A. after a period of seventy-two (72) hours.
- d. If a replacement owner can be located for any impounded animal, after the notification period to the identified owner has expired, and a further period of seventy-two (72) hours has lapsed, the animal may be sold to the replacement owner on payment of fees as per "Schedule B" of this bylaw.
- e. When an Animal Control Officer determines that a dog or cat is to be euthanized, the owner if known, shall pay the fees associated for such action.

20. Penalties – Voluntary Payment Tickets

- a. Where an Animal Control Officer or Peace Officer believes that a person has contravened any provision of this bylaw, the Officer may cause a violation ticket to be served upon such person pursuant to the *Provincial Offences Procedure Act* R.S.A. 2000, C P-34.
- b. Service of a violation ticket, or violation, shall be sufficient if it is:
 - (1) personally served;
 - (2) served by mail; or
 - (3) left with a competent person residing with the person alleged to have violated a provision of this bylaw.
- c. Served by mail shall be deemed to have been received seven (7) days from the date of mailing.
- d. The violation shall be in such a form as determined by the Council and shall state the contravention and the amount of the penalty as provided in Schedule "C".
- e. Upon production of a violation issued pursuant to 16., within seven (7) days from the issuance thereof, together with the designated payment, the person to whom the violation was issued shall not be liable to prosecution for the contravention in respect of which the violation was issued.

- f. Notwithstanding the provisions of this Section, a person to whom the violation was issued may exercise their right to defend any charge of committing a contravention of any of the provisions of this bylaw before a Court Justice.

21. Summary Conviction

- a. Any person who contravenes any provision of this bylaw is guilty of an offense and is liable on Summary Conviction to a fine of not more than Two Thousand Five Hundred (\$2,500.00).
- b. The levying and payment of any fine or for imprisonment for any period provided in this bylaw shall not relieve a person from the necessity of paying any fees, charges or penalty costs that he is liable for under the provisions of this bylaw.

22. Severability

If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

- 23. Bylaws 4, 31, 52, 114, 344, 1053-01 are hereby repealed.
- 24. Licencing requirements shall come into force and take effect as of January 1, 2012.
- 25. The remainder of this bylaw shall come into force and take effect from the adoption thereof.

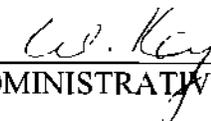
READ a first time this 24th day of August, 2010

READ a second time this 11th day of October, 2011

READ a third time and finally passed this 25th day of October 2011



REEVE



CHIEF ADMINISTRATIVE OFFICER

Attachments



SCHEDULE "A"
to
BYLAW NO. 1198-10

As of the ___ day of _____, _____, you are hereby notified
that an animal known to have been under your control at your lands _____
_____.

(Name and Location of Last Known Owner)

is being held pursuant to the provisions of Bylaw 1198-10 of the Municipal District of
Pincher Creek No. 9 and that unless the said animal is claimed and all impoundment
charges are paid on or before _____, the said animal will be
disposed of pursuant to the said bylaw.

You may be held liable for all boarding, impoundment and or violation incurred by having
this animal impounded.

Bylaw Enforcement Officer
Municipal District of Pincher Creek No. 9



SCHEDULE "B"
to
BYLAW NO. 1198-10

FEES AND CHARGES

1	Reclamation Fee	\$20.00/day impounded
2	Medication Fee (as established by veterinary service)	
3	Dog Licencing Fee – One-time (paid at administration office or other business as specified by Council)	
	Neutered/Spayed Dog	\$15.00
	Non Neutered/Non Spayed Dog	\$30.00
	Replacement Licence	\$10.00
	Service Dog	No Charge



SCHEDULE "C"
to
BYLAW NO. 1198-10

PENALTIES

Offence	Penalty
Prohibited Animal	Court Costs
Too Many Dogs	\$100.00
Too Many Animals	\$100.00 per extra animal
Animal Damages Property or Animals	\$100.00 plus damages
Fail to Maintain Premises	Warning/\$100.00 and costs for clean-up
Fail to Provide Documentation	\$100.00
Obstruct or Interfere with Officer	Summary Conviction
Untie, Loosen or Free Restrained Animal	\$500.00
Tease or Annoy a Confined Animal	\$100.00
Animal Running at Large	\$100.00 plus fees The penalty for an animal caught running at large on more than one occasion, during a two-year time period, will continue to double from the previous penalty amount (i.e. First Offence - \$100 plus fees, Second Offence - \$200 plus fees, Third Offence - \$400 plus fees).
Fail to Clean-up Garbage or Feces	\$100.00 plus costs for clean-up



APPENDIX "A"
to
BYLAW NO. 1198-10

Type of Animal	Number of Animals Allowed Per Unit of Land	Maximum Number of Animals Allowed Per Parcel
Horse	1 per 0.4 hectares (1 acre)	5
Cattle	1 per 0.4 hectares (1 acre)	5
Swine	1 per 0.4 hectares (1 acre)	5
Donkey or Mule	1 per 0.4 hectares (1 acre)	5
Sheep or Goat	1 per 0.2 hectares (0.5 acre)	10
Llamas or Alpacas	1 per 0.2 hectares (0.5 acre)	10
Rabbits	1 per 0.1 hectares (0.25 acre)	20

All fractional amounts shall be rounded down to the next lowest whole number. Example:
The number of horses allowed on a 2.47 acre (1 hectare) lot is 2.
The totals are not accumulative. A lot cannot have 5 horses and 5 mules.

APPENDIX "B"
to
Bylaw No. 1198-10

MUNICIPAL DISTRICT
of
PINCHER CREEK NO. 9

PO Box 279
Pincher Creek, Alberta T0K 1W0

THIS VIOLATION TAG ISSUED FOR BREACH OF ANIMAL CONTROL BYLAW NO. 1198-10, AND AMENDMENTS MADE THERETO

Name: _____

Address: _____

City: _____ **Province:** _____

Phone: _____ **Postal Code:** _____

Offence: _____

Location where animal picked up: _____

Additional Remarks: _____

SPECIFIED PENALTY: _____

Upon presentation of this Offence Ticket within fourteen (14) days from the date of service of the Offence Ticket, together with voluntary penalty indicated, such payment may be accepted in lieu of prosecution.

FAILURE TO DO SO WILL RESULT IN PROSECUTION.

Payment can be made by paying to the Municipal District of Pincher Creek No. 9 during regular office hours. Penalty may be remitted by cash, money order, visa, or cheque. Further information required regarding this violation may be obtained at the District Office.

ISSUER: _____ **NO.** _____ **XXXX** _____

DATE: _____

CANARY: Officer File **PINK:** Municipal Office **WHITE:** Violator