

**BYLAW 730/13
OF THE VILLAGE OF LOUGHEED
IN THE PROVINCE OF ALBERTA**

A BYLAW OF THE VILLAGE OF LOUGHEED IN THE PROVINCE OF ALBERTA
REGULATING THE KEEPING AND CONTROLLING OF ANIMALS WITHIN THE LIMITS OF
THE MUNICIPALITY

WHEREAS Section 7(h) of the *Municipal Government Act, Chapter M-26* and amendments hereto empowers the municipal Council of the Village of Lougheed to regulate and control animals within the municipality;

AND WHEREAS Council deems it expedient and proper to regulate the keeping of animals within the limits of the municipality;

NOW THEREFORE the municipal Council of the Village of Lougheed duly assembled hereby enacts:

This Bylaw may be cited as the Village of Lougheed “Animal Control Bylaw”

1. DEFINITIONS

In this Bylaw, unless the context requires otherwise:

- A. **“Animal”** means any living organism, other than human, having sensation and the power for voluntary movement and requiring oxygen and organic food for existence;
- B. **“At Large”** means where an Animal is at any place other than the Owner’s property or permitted property and is not being carried by any Person or is not otherwise restrained by a permitted leash held by a Person, and that permitted leash is attached to a choke chain, collar or harness securely holding that Animal.
- C. **“Cat”** means either a male, female, neutered or spayed cat;
- D. **“Controlled Confinement”** means the confinement of an Animal in a pen, cage or building securely tethered in a manner that will not allow the animal to bite, harm or harass any Person or Animal;
- E. **“Council”** means the Council of the Municipal Corporation of the Village of Lougheed, in the Province of Alberta;
- F. **“Damage to Property”** means damage to property other than the Owner’s property, and includes defecating or urinating on such property;

- G. **“Day”** means a continuous twenty-four (24) hour period;
- H. **“Dog”** means either a male, female, neutered or spayed dog;
- I. **“Enforcement Officer”** means any Peace Officer, or any other person appointed by the Village to enforce the provisions of this Bylaw;
- J. **“Large Mammal”** means any member of the class mammalia other than man which in the adult form weighs ten (10) kilograms or more, but shall not include Dogs or Cats;
- K. **“Medical Officer of Health”** means the Medical Officer of Health as appointed and defined in the *Public Health Act* or his or her designate;
- L. **“Owner”** means:
- i. A Person that has legal title to the Animal;
 - ii. A Person who has the care, charge, custody, control or possession of an Animal;
 - iii. A Person who owns or claims any proprietary interest in an Animal;
 - iv. A Person who harbours, suffers or permits an Animal to be present on any property owned, occupied or leased by him or which is otherwise under his control;
 - v. A Person who claims and receives an Animal from the custody of the animal shelter or an animal control officer; or
 - vi. A Person to whom a License Tag is issued for an Animal in accordance with this Bylaw
- For the purposes of this Bylaw, an Animal may have more than one (1) Owner;
- M. **“Owner’s Property”** means any property in which the Owner of an Animal has legal or equitable interest or over which the Owner of an Animal has been given the control or use of by the legal or equitable owner of the property and which property shall include, without limiting the generality of the foregoing, land, buildings and vehicles;
- N. **“Permitted Leash”** means a leash adequate to control the Animal to which it is attached and which shall not exceed three (3) meters in length;
- O. **“Permitted Property”** means private property upon which the Owner of an Animal has the express permission of the owner of that property to allow the Owner’s Animal to be At Large thereon;
- P. **“Poultry”** means a bird normally kept for eggs or meat;

- Q. **“Animal Shelter”** means a place that Council shall provide or designate as such;
- R. **“Serious Wound”** means an injury to a Person or Animal resulting from the action of an Animal which causes the skin to be broken or flesh to be torn;
- S. **“Vicious Dog”** means a dog of any age which:
- i. without provocation, acts in an aggressive manner to other Animals or Persons;
 - ii. without provocation, chases other Animals or Persons;
 - iii. is a continuing threat of serious harm to other Animals or Persons; or
 - iv. without provocation, has attacked other Animals or Persons
- T. **“Village”** means the Village of Loughheed.

2. RESTRICTIONS

- A. It is unlawful for any Person to harbor or permit to be harbored on land or premises occupied by that person:
- i. Any Large Mammal or the young thereof;
 - ii. Any live poultry;
 - iii. Any bees;
 - iv. Any poisonous Animal; or
 - v. Any Animal or species, including the above, deemed dangerous or objectionable in the opinion of the Medical Officer of Health or Enforcement Officer.
- B. Subsection 2-A shall not apply to any veterinary clinic, veterinary office, veterinary hospital, zoological garden or park, abattoir, pound, or Animal Shelter, or educational institution or any property for which the Village has issued a development permit or other permit which allows the keeping of Animals on the property.
- C. Notwithstanding Section 2, any Person wishing to bring Animals associated with farming, circuses or exhibition into the Village shall make application in writing for approval to do so to the Chief Administrative Officer. The application shall contain the type and number of Animals as well as the duration of the stay and the location. The application shall include written permission of the property owner where the Animals are to be kept. The application may also be required to obtain letters of “no objection” from adjacent property owners.

- D. The Chief Administrative Officer may impose any conditions the feel necessary to ensure the safety and peace of others.
- E. Sections 2-A and 2-C shall not prevent the grazing of livestock on land within the Village which remains in agricultural use.

3. RUNNING AT LARGE

- A. No Animal shall run At Large within the Corporate limits of the Village
- B. If a Person is unable to control or restrain the Animal by a Permitted Leash, then that Animal shall be deemed to be "At Large" notwithstanding the presence of a permitted leash;

4. NUISANCE ANIMALS

- A. No Animal shall be allowed to be a nuisance. A nuisance shall include, but not be limited to:
 - i. Biting, scratching or chasing a Person or Animal;
 - ii. Barking, howling, meowing, chirping or otherwise disturbing any Person;
 - iii. Causing damage to property or other Animals;
 - iv. Defecating on property other than that of the Owner.
- B. Where an Animal has caused damage to property or other Animals, the Owner of the Animal shall pay for all damages incurred to the person suffering such damages.
- C. If an Animal defecates on property other than the Owner's property, the Owner of the animal shall remove forthwith any defecated matter deposited.
- D. Where a Person owns Animals in a number sufficient to cause a nuisance to other persons or property he may be ordered to reduce the number of Animals under his control to a number deemed appropriate by the Enforcement Officer. A Person shall comply with an order given under this section within fourteen (14) days from the date of the order.
- E. A Person may appeal an order under Subsection D to Council by submitting a written notice to the Chief Administrative Officer within fourteen (14) days of receiving the order.
- F. The Enforcement Officer may impound the Animal(s) at the Owner's expense if the Owner has not complied with the order within fourteen (14) days.

5. CONTROLLED CONFINEMENT

- A. A Person who has received a Serious Wound or the Owner of any Animal which has received a Serious Wound and the Owner of the Animal which has inflicted a Serious Wound shall promptly report the Animal to an Enforcement Officer who may place the inflicting Animal under Controlled Confinement and the Animal shall not be released from such Controlled Confinement except by written permission of a registered veterinarian. At the discretion of the Enforcement Officer, such Controlled Confinement may be on the premises of the Owner, a registered veterinarian, or the Animal Shelter.
- B. Upon demand made by an Enforcement Officer, the Owner shall immediately surrender for quarantine any Animal which has inflicted a Serious Wound to any Person or any Animal which the Enforcement Officer has reasonable and probable grounds to suspect of having been exposed to rabies. The Animal may be reclaimed by the Owner:
- i. If adjudged free of rabies; and
 - ii. Upon payment of confinement expenses; and
 - iii. Upon compliance with the licensing provisions of this Bylaw

6. REGISTRATION

- A. The Owner of a Dog or Cat over the age of six (6) months shall register such Dog or Cat with the Village and shall pay a registration fee as set out in the Village of Loughheed's Master Rate Bylaw.
- B. The identification of a Dog or Cat pursuant to the registration requirements of Subsection A shall be by a Village issued tag.
- C. Notwithstanding Subsection A, where an Animal is trained and used as a guide or other such service Animal, there shall be no fee payable by the Owner for registering the Animal with the Village.
- D. Notwithstanding Subsection A, the registration provisions of this Bylaw shall not apply to Dogs or Cats accompanying a Person temporarily in the Village on business or vacation for a period not exceeding fourteen (14) days, or on such longer period as may be authorized by written permission from the Village.
- E. No Person shall be entitled to a registration rebate under this Bylaw.
- F. No registration or tag shall be transferable from one Animal to another, or attached to any other Animal which has not been licensed by the Village.

- G. At all times when an Animal is on any property other than that of its Owner, the tag issued for such Animal shall be attached to a collar or harness which must be worn by the Animal.
- H. Pursuant to Section 6-A, the Owner of a Dog or Cat shall:
- i. Register the Dog or Cat on the first day on which the Village office is open for business after becoming the Owner of such Dog or Cat;
 - ii. Register the Dog or Cat which has been impounded pursuant to this Bylaw before such Dog or Cat may be claimed from the Animal Shelter; or
 - iii. Notify the Village when the Dog or Cat has died, been sold, or has moved from the Corporate Limits of the Village.
- I. Where the registration fee required by the Master Rate Bylaw has been paid by the tender of an uncertified cheque, the registration:
- i. Is issued subject to the cheque being accepted and cashed by the bank; and
 - ii. Is automatically revoked if the cheque is not accepted and cashed by the bank on which it is issued.
- J. The Village Office shall keep a record of all Dogs and Cats registered pursuant to Section 6 of this Bylaw. The record shall indicate:
- i. The date of registration;
 - ii. The name, address and telephone number of the Owner of the Dog or Cat;
 - iii. The registration number and amount paid; and
 - iv. The breed, colour and sex of the Dog or Cat.

7. AUTHORITY TO ENFORCEMENT OFFICER

- A. An Enforcement Officer:
- i. May capture and impound any Animal in respect of which he believes or has reasonable grounds to believe an offence under this Bylaw is being or has been committed and is further authorized to take such reasonable measures as are necessary to subdue any Animal which is At Large, including the use of tranquilizer equipment and materials;
 - ii. May enter onto any land in pursuit of any Animal which has been running At Large;

- iii. May, in any case where the Owner of a Dog or Cat can be identified through the Village's registration records, return such Dog or Cat to the Owner where practicable instead of delivering to the Animal Shelter;
- iv. Shall, if any animal other than a Dog or Cat is captured, make a reasonable attempt to return the Animal to the Owner where possible, instead of being delivered to the Animal Shelter.

8. OBSTRUCTION

- A. No Person, whether or not he is the Owner of an Animal which is being or has been pursued or captured, shall:
 - i. Interfere with or attempt to obstruct an Enforcement Officer who is attempting to capture an Animal which is subject to being impounded pursuant to the provisions of this Bylaw;
 - ii. Induce an Animal to enter a house or other place where it may be safe from capture or otherwise assist the Animal to escape capture;
 - iii. Falsely represent himself as being in charge or control of an Animal so as to establish that the Animal is not running At Large; or
 - iv. Unlock or unlatch or otherwise open the Animal Shelter or any vehicle to allow or attempt to allow any Animal to escape there from.

9. NEGLIGENCE

- A. No Person shall:
 - i. Untie, loosen or otherwise free an Animal which has been tied or otherwise restrained; or
 - ii. 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 Village.

10. TORMENT

- A. No Person shall tease, torment, annoy, abuse or injure any Animal.

11. RECLAIMING

- A. The Owner of any:
 - i. Impounded Dog or Cat may reclaim the Dog or Cat from the Animal Shelter within three (3) Village of Loughheed business operation days from the time of the impoundment by paying to the Village all

impoundment fees and board fees per the Master Rate Bylaw, paying any outstanding fines and registering the Dog or Cat as required by this Bylaw;

- ii. Impounded Animal, other than a Dog or Cat, may reclaim the Animal within three (3) Village of Loughheed business operation days from the time of the impoundment by paying to the Village any outstanding fines and all impoundment and board fees per the Master Rate Bylaw.

12. SALE OR DESTRUCTION

- A. The animal shelter keeper shall sell or destroy an Animal after the Animal is retained in the Animal Shelter for three (3) Village of Loughheed business operating days from the time of impoundment, unless a Person having authority orders the further retention of the Animal, or unless the Owner of the Animal makes arrangements with the animal shelter keeper for the further retention of the Animal.
- B. In any case, where an Animal is found to be ill, in distress, or has been injured and it has been determined by a veterinarian or their designate that the Animal should be destroyed to prevent needless suffering, the Animal may be destroyed as soon as practical.
- C. The purchaser of an impounded Animal from the Animal Shelter pursuant to the provisions of this Bylaw shall obtain full right and title to the Animal and the right and title of the former Owner shall cease thereupon.
- D. The animal shelter keeper shall report any apparent illness, communicable disease, injury or unhealthy condition of any Animal to an Enforcement Officer who may discuss the matter with a veterinarian. The Owner, if known, shall be held responsible for all charges resulting therefrom.

13. MAINTENANCE OF RESIDENCES OR GROUNDS

Residences or grounds where any Animals are kept shall at all times be maintained in a clean and sanitary condition, satisfactory to the Medical Officer of Health or an Enforcement Officer or his or her designate.

14. VICIOUS DOGS

- A. The Owner of a Vicious Dog shall take all necessary steps to ensure that it does not bite, chase, or attack any Person or Animal whether the Person or Animal is on the property of the Owner or not.

- B. When a Vicious Dog is on the premises of the Owner, it shall be kept confined indoors under the effective control of a Person over the age of sixteen (16) years, or confined in a securely enclosed and locked pen or other structure constructed and secured in such a way as to prevent the escape of the Dog, and to prevent entry of Persons unauthorized by the Owner.
- C. Any such pen pursuant to Subsection 14-B shall have:
- i. A secure top and sides; and
 1. Either a secure bottom effectively attached to the sides; or
 2. The sides shall be embedded in the ground to a minimum depth of thirty (30) centimeters.
- D. When a Vicious Dog is off the premises of the Owner, it shall be securely muzzled, and shall be either harnessed or leashed securely to effectively prevent the Dog from attacking or biting a Person or other Animal.
- E. Notwithstanding Subsection 14-D, where the Dog is in a building or enclosure at a bona fide dog show, or when confined in a pen meeting the requirements of Subsection 14-C, the requirements of Subsection 14-D shall not apply.
- F. The Owner of a Dog which the Owner knows or ought to know is a Vicious Dog, shall keep the Vicious Dog in accordance with the provisions of Section 14.
- G. If the animal shelter keeper, veterinarian or Enforcement Officer determines on reasonable grounds that the Dog is a Vicious Dog, either through personal observation or on the basis of facts determined after an investigation following a complaint, he may:
- i. Give the Owner a written notice that the Dog has been determined to be a Vicious Dog; and
 - ii. Require the Owner to keep such dog in accordance with the provisions of Section 14 of this Bylaw upon the Owner's receipt of the notice; and
 - iii. Inform the Owner that if the Vicious Dog is not kept in accordance with the provisions of Section 14 of this Bylaw, the Owner will be fined or subject to endorsement action pursuant to Section 14 of this Bylaw
- H. Where the Owner of a Dog that has been determined to be a Vicious Dog produces information to the Enforcement Officer that may alter a determination made under Subsection 14-G, the Enforcement Officer shall, as soon as is reasonably possible, cause the matter to be reviewed and make a final determination.

15. OFFENCES AND PENALTIES

- A. Any Person who contravenes the provisions of this Bylaw, or refuses to obey the direction of the Medical Officer for Health or an Enforcement Officer given pursuant to this Bylaw, is guilty of an offence and may be issued with an offence ticket by an Enforcement Officer in the amount prescribed in the Master Rate Bylaw or a summons imposing a maximum fine of \$2,500.00.
- B. Each Day of violation of any provision of this Bylaw shall constitute a separate offence.
- C. The levying and payment of any fines 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.
- D. A Justice of the Peace or Provincial Court Judge, in addition to the penalties provided in this Bylaw, may if he considers the offence sufficiently serious, direct or order the Owner of an Animal to prevent such Animal from doing mischief or causing the disturbance or a nuisance complained of or to have the Animal removed from the Village or to have the Animal destroyed.
- E. Provided no offence has occurred within the previous twenty-four (24) months, an offence shall be considered to be a first offense.

16. TRANSITION AND EXECUTION

- A. This Bylaw shall repeal Bylaw Numbers 689 and 690, and any amendments thereto on the date of final passing.
- B. This Bylaw shall come into full force and effect 60 days after the date of final passing.

Read a first time this _____ day of _____, 2013

Read a second time this _____ day of _____, 2013

Read a third time and finally passed this _____ day of _____, 2013

Mayor – Debra Smith

CAO – Kevin Miller