

Village of Holden
BY-LAW NO. 1-2004

A BY-LAW OF THE VILLAGE OF HOLDEN IN THE PROVINCE OF ALBERTA TO REGULATE AND CONTROL ANIMALS WITHIN THE LIMITS OF THE VILLAGE OF HOLDEN

WHEREAS, The Municipal Government Act Chapter M-26.1 of the Revised Statutes of Alberta, 1980 as amended provides for the passing of By-laws to regulate and control animals within the municipality,

AND WHEREAS, the Council of the Village of Holden deems it necessary to do so;

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

This By-Law may be cited as the Village of Holden Animal Control By-Law.

PART 'A' DOGS

1. In this By-law unless the context otherwise requires:

- a. **Animal Control Officer** means a person engaged by the Village to carry out the provisions of this By-law.
- b. **Bylaw Enforcement Officer** means a person appointed by the Village pursuant to the provisions of the Municipal Government Act.
- c. **Day** means a continuous period of twenty-four hours.
- d. **Dog** means either a male or female dog, spayed or neutered or bitch or male intact.
- e. **Kennel** means a commercial operation for the purposes of boarding, breeding, and rearing of dogs pursuant to obtaining a Development Permit under the Village of Holden Land Use Bylaw as amended from time to time.
- f. **Municipality** means the corporation of Village of Holden or the area contained within the boundaries thereof.
- g. **Owner** means a natural person or body corporate who has legal title to the animal and includes any person who has possession or custody of the animal, either temporarily or permanently or harbors the animal, or suffers the animal to remain on his premises.
- h. **Previous Owner** means the person who at the time of impoundment was the owner of an animal, which has subsequently been sold or destroyed.
- i. **Restricted Dog** means a dog of any age which can be identified as a dog exclusively or partially of one or more of the following breeds or kinds by a veterinarian registered as a member of the Alberta Veterinary Medical Association pursuant to the Veterinary Surgeons Act, namely; Pit Bull Terrier, American Pit Bull Terrier and Pit Bull.
- j. **Running at Large:**
 - i. Means an animal or animals which are not under the control of a person responsible and is or are actually upon property other than the property in respect of which the owner of the animal or animals has the right of occupation, or upon any highway, street, boulevard, sidewalk, park, public walkway, playground, school ground, or other public place, or
 - ii. Means an animal or animals which are under the control of a person responsible and which cause damage to property or other animals.
- k. **Vicious Dog** means a dog of any age, including a Restricted Dog which:
 - i. Shows a propensity, disposition or potential to attack or injure, without provocation, humans or other animals; or
 - ii. Without provocation, chases humans or other animals; or
 - iii. Is a continuing threat of serious harm to humans or other animals; or
 - iv. Without provocation has attacked humans or other animals.

2. Responsibility of Dog owner:

- a. The owner of a dog shall apply at the Village of Holden Office for an annual licence for such dog, and shall pay therefore an annual fee as set out in Schedule "A" of this By-law. On payment of the licence fee, the Licence Inspector shall issue a tag with respect to that dog and provide to the owner a relevant summation of the contents of this by-law.
 - b. The owner of every dog shall obtain an annual licence for such dog between the 1st. and 31st. days of January or if the owner acquired the dog during the year or if the dog attained the age of six months during the year; the first day on which the Licence Office is open for business after he becomes the owner or the dog attained the age of six months.
 - c. Every owner shall provide his dog with a collar to which the owner shall affix the tag obtained for such dog and the owner shall ensure that the collar and tag are worn by his dog during those occasions when the dog is not on the owners premises.
 - d. In case a tag is lost or destroyed, a replacement tag may be issued by the Licence Inspector upon presentation by the owner of a receipt showing payment of the licence fee for the current dog licence year and upon payment of the sum of Two Dollars (\$2.00) for the issuance of a replacement tag.
 - e. Tags are not transferable from one dog to another and no refund shall be made on any paid-up dog licence fee because of the death, loss or upon the dog or owner's leaving the municipality before the expiration of the licence period.
 - f. In any prosecution or proceeding for a contravention of this section the burden of proof relating to the age of the dog shall be on the owner and unless the contrary is proven the dog shall be presumed to have attained the age of six months at the time relevant to the charge.
 - g. The full amount of the licence fee shall be payable regardless of when the dog is registered during the year with the exception of a dog acquired or brought into the municipality after the 31 day of August of that year, in which case, if proven to the satisfaction of the Licence Inspector, the licence fee may be reduced by one half.
 - h. The owner of a dog shall not permit his/her dog or any dog under his/her control to run at large.
 - i. Where a dog is found running at large the owner thereof shall be deemed to have failed or refused to comply with the requirements of subsection 2 (h)
 - j. Every owner of a female dog shall confine and house such female dog during the whole period the dog is in heat.
 - k. All dogs must be kept on owners, possessors or harbourers property while off the leash by being in the house, tied up within the boundaries of the property or confined in a fenced yard.
 - l. (1) The owner of a dog, which is a public nuisance, is guilty of an offence.
(2) Without restricting the generality of subsection (1), the following shall be deemed to be a public nuisance for the purpose of this section, namely a dog which:
 - i. bites or molests pedestrians upon the streets, parks or other public places in the municipality; or
 - ii. bites or chases horses, bicycles, automobiles or other vehicles upon the streets, parks or other public places in the municipality; or
 - iii. barks, howls continuously, or otherwise creates a disturbance; or
 - iv. upsets waste receptacles, scattering the contents in or about the streets, lanes or other public property or in or about a premise not belonging to the owner of the dog; or
 - v. a female dog in heat being a source of attraction to other dogs.
 - m. Any owner whose dog defecates on property other than his own shall remove forthwith any defecated matter deposited.
3. A blind owner of a registered dog guide, or a blind person being assisted by a registered dog guide is not subject to the obligations imposed in subsection 2(m).
 4. The maximum number of dogs in a single family dwelling or household shall be restricted to three (3), excepting thereout any dog kennels or pet shops.
 5. No person shall tease, torment or annoy an animal.

6. The provisions of this by-law with the exception of the requirement to purchase a licence shall apply to dogs accompanying non-residents temporarily in the municipality.
7. The Licence Inspector shall keep a record of the name and address of the owner, the breed, colour and sex of the dog and the number stamped on the tag issued to the owner.
8. The Council shall establish such manner of pounds and appoint such poundkeepers as are necessary to provide reasonable facilities for the impounding of dogs running at large.
9. The animal control officer or by-law enforcement officer of the municipality may capture and impound any dog which is:
 - a. actually or apparently over the age of six (6) months and for which no current licence has been issued pursuant to the provisions of the by-law when such a dog is off the premises of its owner or when it is pursued onto the premises of its owner;
 - b. running at large;
 - c. biting or attempting to bite any person while running at large;
 - d. actually or apparently affected with rabies or any other contagious disease; or
 - e. chasing, worrying or annoying any domestic animal on property other than that belonging to the owner of the dog;
 - f. a public nuisance;
 - g. In respect of which he believes or has reasonable grounds to believe an offence under this By-law is being or has been committed.
 - h. 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.

10. Notification and Reclaiming

- a. If the Animal Control Officer or Bylaw Enforcement Officer knows or can ascertain the name of the owner of any impounded animal, he shall serve the owner with a copy of the Notice in Schedule "C" of this Bylaw, either personally or by leaving or mailing it to the last known address of the owner.
- b. An owner of an animal to whom a notice is mailed pursuant to the provisions of Subsection (a) is deemed to have received a Notice within forty-eight (48) hours of the time it is mailed.
- c. If at the expiration of a seventy-two hour period from the time a dog was first impounded, any impounded dog has not been redeemed it may be sold, destroyed or adopted.
- d. For the purpose of calculating the seventy-two (72) hour period of the impoundment of a dog, the day of impoundment will be included, but Sunday and holidays shall be excluded.
- e. The owner of any impounded dog may reclaim the dog from the pound by paying the fees as set out in Schedule "B" of this bylaw and by obtaining the annual licence for such dog should the same not have already been obtained.
- f. The purchaser of a dog from the dog pound pursuant to the provisions of this section shall obtain full right and title to it and the right and title of the former owner of the dog shall cease thereupon.
- g. No impounded dog shall be sold by the poundkeeper at a price greater than TEN DOLLARS (\$10.00) except where in the opinion of the poundkeeper the dog to be sold is valuable.
- h. No impounded dog shall be sold by the poundkeeper:
 - i. to any resident of the municipality until a licence has been purchased for the dog by the resident; or
 - ii. to any non-resident of the municipality until they have proved that they are not a resident of the municipality and that the dog shall be kept outside the municipality.

11. No person shall:

- a. interfere with or attempt to obstruct a pound keeper, animal control officer or by-law enforcement officer or his agent who is attempting to capture, or who has captured any dog in accordance with the provisions of this by-law; or
- b. induce any dog to enter a house or other place where it may be safe from capture, or otherwise assist the dog to escape from capture; or
- c. falsely represent himself as being in charge or control of a dog so as to establish that the dog is not running at large as the term is defined by this by-law; or
- d. unlock or unlatch or otherwise open the van or vehicle in which dogs captured for impoundment have been placed so as to allow or attempt to allow any dog or dogs to escape therefrom; or
- e. remove or attempt to remove any dog from the possession of the poundkeeper or any of his assistants.

12. Restricted Dogs and Vicious Dogs

- a. An owner of a Restricted Dog or Vicious Dog shall maintain in force a policy of liability insurance in a form satisfactory to the Bylaw Enforcement Officer providing a third party liability coverage in a minimum amount of Five Hundred Thousand Dollars (\$500,000) for injuries caused by the Owner's Restricted Dog.
 - i. The liability policy shall contain a provision requiring the insurer to immediately notify the Village of Holden in writing should the policy expire or immediately notify the Village of Holden in writing should the policy be cancelled or terminated
- b.
 - i. The owner of a Restricted or Vicious Dog shall take all necessary steps to ensure that it does not bite, chase or attack any human or other animal whether the person or animal is on the property of the owner or not.
 - ii. If a Restricted or Vicious Dog bites or attacks a person or animal, the owner shall be guilty of an offense and subject liable to a fine under this by-law, exclusive of any other civil actions or penalties.
- c.
 - i. When a Restricted or Vicious Dog is on the premises of its 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 fashion as to prevent the escape of the Restricted Dog, and to prevent the entry of persons unauthorized by the Owner.
 - ii. Any such pen shall have a secure top and sides which either:
 - has a secure bottom effectively attached to the sides; or
 - Has sides embedded in the ground to a minimum depth of thirty (30) centimeters.
 - iii. When a Restricted or 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 it from attacking or biting a human or other animal; provided that this requirement shall not apply when the restricted dog is in a building or enclosure, in attendance at a bona fide dog show, or confined in a pen meeting the requirements of subsections (i) and (ii).
- d. The owner of a dog, which the owner knows or ought to know is a Vicious Dog, shall keep the Vicious Dog locked or tied up.
- e. If the Animal Control Officer or a By-law Enforcement Officer determines on a reasonable grounds that a dog is a Vicious Dog, either through personal observation or on the basis of facts determined after an investigation initiated by a complainant, he may:
 - i. Give the Owner a written notice that the dog has been determined to be a Vicious Dog.

- f. Where the owner of a dog that has been determined to be a Vicious Dog produces information to the Village of Holden that may alter a determination made under Section 11, Subsection (e) the Municipal Constable shall, as soon as is reasonable, cause the matter to be reviewed and make a final determination.
- g. Provisions in this By-law which apply to Restricted or Vicious Dogs shall not apply to dogs owned by any Police Service solely by reason of any events or actions which occur while the dogs are engaged in Police work.

13.

- a. The owner of a dog, which is suffering from any communicable disease, shall not permit the dog to be in a public place, and shall not keep the dog in contact with or in proximity of any other dog free of such disease.
- b. A person who owns or who harbours, maintains or keeps a dog which he knows or has reason to know is or may be suffering from rabies, or which he knows or believes has been exposed to rabies shall:
 - i. endeavor to keep the dog locked or tied up;
 - ii. not permit another animal to come in contact with it;
 - iii. immediately report the matter to the Medical Health Officer, Veterinary Doctor or a Veterinary Inspector of the Health and Animal's Branch of the local office of the Federal Department of Agriculture; and
 - iv. report the matter to the poundkeeper.

14. Penalties – Voluntary Payment Tickets

- a. Where an Animal Control Officer or By-law Enforcement Officer believes that a person has contravened any provision of this by-law, he may serve upon such person a Violation Ticket, or a tag, or a notice as provided by this section either personally or by mailing or leaving the same at his/her last known address and such service shall be adequate for the purpose of this by-law.
- b. A tag or notice in such a form as determined by Village of Holden Council shall state the section of the Bylaw which was contravened and the amount which is provided in the Schedule "B", as amended from time to time that will be accepted by Village of Holden in lieu of prosecution.
- c. Upon production of a tag or notice issued pursuant to this section within ten (10) day from the issue thereof together with the payment to Village of Holden of the fee as provided in the Schedule "B" as amended from time to time the person to whom the tag or notice was issued shall not be liable for prosecution for the contravention in respect of which the tag or notice was issued.
- d. Notwithstanding the provisions of this section, a person to whom a tag or notice has been issued pursuant to this section may exercise his right to defend any charge of committing a contravention of any of the provisions of this Bylaw.
- e. Schedule "B" of this Bylaw will list all specified penalties; the provincial court having jurisdiction is not bound by Schedule "B".

15. Summary Conviction

- a. Any person who contravenes any provision of the By-law is guilty of an offence and is liable on Summary Conviction to a fine of not more than Two Thousand Five Hundred (\$2,500.00) and in default of payment is liable to imprisonment for a term not exceeding six (6) months or to imprisonment for a term not exceeding six (6) months without the option of a fine.
- b. The levying and payment of any fine or the imprisonment for any period provided in this By-law shall not relieve a person from the necessity of paying any fees, charges or costs for which he is liable under the provisions of this By-law.
- c. A Provincial Judge/Commissionaire, in addition to the penalties provided in this section, may if they consider the offence sufficiently serious, direct or order the person that owns, keeps, maintains or harbours an animal to stop the animal from doing mischief or causing the disturbance or nuisance complained of, or to have the animal removed from Village of Holden, or have the animal destroyed.

PART "B" DOMESTIC ANIMALS

1.
 - a. **DOMESTIC** means any farm animal.
 - b. **FOWL** means any domestic bird, excepting thereout canaries, budgies etc.
 - c. **MUNICIPALITY** means the Village of Holden.
 - d. **WILD** mean any animal living in a state of nature or any animal purchased from a zoo or wild animal park

2. The maximum number of pet rabbits in a single family dwelling or household shall be restricted to three (3) excepting thereout pet shops.

3. The maximum number of cats in a single family dwelling or household shall be restricted to three (3), excepting thereout pet shops.

4. The following animals shall not be permitted to be harboured, or kept or owned within the limits of the municipality excepting on commercial property over 10 acres subject to Council approval and obtaining development permits when required.
 - a. All fowl
 - b. All wild animals
 - c. All domestic farm animals;

BY-LAW NO. 4-2003 IS HEREBY REPEALED.

READ A FIRST TIME THIS 19TH. DAY OF JANUARY, 2004.

READ A SECOND TIME THIS 19TH. DAY OF JANUARY, 2004.

READ A THIRD TIME AND DULY PASSED IN OPEN COUNCIL THIS 19TH. DAY OF JANUARY, 2004.

MAYOR_____.

CHIEF ADMINISTRATIVE OFFICER_____.

VILLAGE OF HOLDEN
BY-LAW 1-2004

SCHEDULE "A"

LICENCE FEES

The owner of a dog shall pay the following annual licence fee:

Males or spayed females.....	\$10.00
Females.....	\$15.00
Seeing Eye Dog owned by a blind person.....	NIL

VILLAGE OF HOLDEN
BY-LAW 1-2004

SCHEDULE "B"

SPECIFIED PENALTIES

ITEM	SECTION	OFFENCE	PENALTY
1.	2(h)	Animal running at large	\$150.00
2.	2(l)	Public Nuisance	\$200.00
3.	10(e)	Reclaiming fee	\$ 75.00
4.	2(m)	Defecating	\$100.00
5.	10(c)	Euthanasia	\$25.00 plus costs
6.	5	Torment	\$ 75.00
7.	11(a)	Obstruction	\$150.00
8.	2(a)	Failure to purchase licence	\$ 35.00

VILLAGE OF HOLDEN
BY-LAW 1-2004

SCHEDULE "C"

NOTICE OF IMPOUNDMENT

To:

Please be advised that on the _____ day of _____, _____ the Village of
Holden impounded your _____.

The animal will be held until _____, _____ day of _____,
_____.

Arrangements for the release can be made by contacting the Village of Holden at
(780) 688-3928.

After the above noted retention period, the animal may be sold or destroyed without
further notice.