



Village of Delia - Province of Alberta

By-Law #640-2019 – Animal Control Bylaw

Being a bylaw of the Village of Delia, Alberta for the licensing, regulation and control of animals and livestock.

WHEREAS Council of the Village of Delia has the authority to enact bylaws under the Municipal Government Act, RSA c. M-26, respecting the safety, health and welfare of people and the protection of people and property; and

WHEREAS the Council of the Village of Delia deems it desirable to pass such a bylaw;

NOW THEREFORE the Council of the Village of Delia duly assembled enacts as follows:

Short Title

1) The short title of this Bylaw shall be the “Animal Control Bylaw”.

Definitions

2) In this bylaw the following words shall be defined as:

- a) “Altered” or “Sterilized” means any animal that has been neutered or spayed;
- b) “Animal” or “Livestock” shall include but not be limited to any dog (canine family), cat (feline family), horse, mule, ass, swine, emu, ostrich, camel, llama, alpaca, sheep, goat; domestically reared or kept deer, reindeer, moose, elk or bison; fur bearing animals including fox, coyote, wolf, weasels, or mink; animals of the bovine species; animals of the avian species including chickens, ducks, turkeys, geese or pheasants; bees or all other animals normally kept for agricultural purposes;
- c) “Animal Control Officer” means a person employed under a contract between the Village and its contractor to enforce the provisions of this Bylaw;
- d) “Aggressive Dog” means any dog that:
 - i) has been designated an Aggressive Dog by a Justice;
 - ii) has been made the subject of an order under the Dangerous Dog Act;
- e) “Assistance Dog” means any professionally trained dog, including a guide, hearing or service dog, that works in partnership with a disabled person to increase his or her independence, safety and mobility;
- f) “Contractor” means a person or company employed by or under the contract of the Village to enforce the provisions of this Bylaw and maintain and administer an impound facility for animals;

- g) “Exotic Animals” means an animal not indigenous to Canada and not commonly kept as a household pet, whether or not such animal is a “wild animal” as defined herein;
- h) “Former Owner” means the person at the time of impoundment who was the owner of an animal which has been subsequently sold or destroyed;
- i) “Justice” has the meaning as defined in the Provincial Offenses and Procedure Act, R.S.A. 2000, c. P-34 and amendments thereto;
- j) “Kennel” includes a house, shelter, room or place located in a properly zoned area (according to the Village Land Use Bylaw) where more than 3 dogs and/or 3 cats of whatever age or sex are kept or boarded, but does not include commercial premises used for the care and treatment of animals, operated by a duly qualified veterinarian;
- k) “Leash” means a restraint that is less than two meters in length and made of material capable of restraining the animal or aggressive dog on which it is being used;
- l) “License” means a license issued by the Village to an owner upon payment of the required fee for each animal or aggressive dog they own, indicating the year for which the fee has been paid and which is assigned a number recorded by the Village;
- m) “Minor Injury” means any physical injury to a domestic animal or a person, caused by an animal or aggressive dog, that results in minor bruising, small puncture, scratch or tearing of the skin, bleeding, or any other injury that is not life threatening, disfiguring or debilitating;
- n) “Municipal Ticket” means a municipal ticket issued on behalf of the Village for a violation under this Bylaw;
- o) “Muzzle” means a device of sufficient strength placed over an animal’s or aggressive dog’s mouth to prevent it from biting;
- o) “Nuisance Animal” means any animal that by its continued behavior is obnoxious, causes offence, annoyance, disturbs others or damages or destroys property or has been found at large or has been found at large and detained by Officers more than twice.
- p) “Officer” includes an Animal Control Officer, a Bylaw Enforcement Officer, a Peace Officer, a Special Constable and/or a Member of the Royal Canadian Mounted Police;
- q) “Off Leash Area” shall mean an area designated by the Village where an animal is not required to be controlled by a Leash;
- r) “Owner” includes any person, partnership, association or corporation:
- i) owning, possessing, having charge of, or control over, any animal;
 - ii) harboring any animal;
 - iii) suffering or permitting any animal to remain about his or her house or premises; and
 - iv) any person to whom a license has been issued under this Bylaw.
- For the purposes of this Bylaw, an animal can have more than one owner at the same time, any or all who may be charged with offences under this Bylaw.

- s) "Park" or "Parkland" means any recreational land owned or controlled by the Village lying within Village limits and includes all lands used for picnic grounds, campgrounds, playing fields, natural areas, neighborhood beautification areas or any other public open space or publicly maintained area administered by the Village and school grounds and playgrounds whether or not the management or control of such areas or facilities has been delegated to another body and includes all buildings or other improvements situated on these areas;
- t) "Running at Large" shall mean any animal off the premises of the owner and not on a leash held by a person able to control the animal;
- u) "Severe Injury" means any physical injury to an animal or a person caused by an animal or aggressive dog that results in severe bruising, multiple punctures or lacerations, any laceration requiring sutures or cosmetic surgery, broken bones or other injury severe in nature;
- v) "Tag" means a current metal, or other tag issued by the Village to an owner for each animal or aggressive dog they own, indicating the year for which the fee has been paid and a number recorded to the owner's name;
- w) "Threatening Behavior" means behavior that creates a reasonable apprehension of a threat of harm and may include growling, lunging, snarling, charging or chasing;
- x) "Unaltered" means not spayed or neutered;
- y) "Wild Animal" means an animal of a wild nature or disposition.

Licensing Provisions and Offences

- 3) Every person who owns, keeps or harbors a dog or aggressive dog which is three months of age or older shall pay to the Village of Delia a yearly license fee as set out in Schedule 'A' attached hereto.
- 4) Upon payment of the current yearly license fee, the Village or its designate shall issue a license and a tag with a number and year on it to the owner.
- 5) The tag shall be securely attached to a collar which shall be worn by the animal or aggressive dog for which it is issued at all times.
- 6) If a tag is lost or destroyed, the owner shall apply for a replacement which shall be issued upon payment of the specified fee.
- 7) A tag is not transferable from one animal to another or one aggressive dog to another and no refund will be made for any issued tag.
- 8) Every person who fails to purchase a license for any dog or aggressive dog they own on or before the 31st day of January in any year shall be guilty of an offense and subject to the penalties provided for in this Bylaw.

9) The owner of an assistance dog will be issued a license and tag free of charge.

Animal Control Provisions

10) The owner of an animal is guilty of an offence if the animal:

- i) is running at large;
- ii) is on Park or Parkland and is off-leash where animals are prohibited;
- iii) is in Park or Parkland and the area contains playground apparatus and/or sand, rubber or other materials utilized as a play area;
- iv) destroys or damages any public or private property;
- v) is found to be abused, distressed or to be kept in a distressed condition.

11) The owner of a cat is guilty of an offence if the cat defecates or sprays on property other than the owner's or the cat stalks birds on property other than the owner's.

12) The owner of a female animal is guilty of an offence if he or she does not keep such animal housed and confined during the whole period it is in heat.

13) The owner of a dog or aggressive dog is guilty of an offence if such dog barks or howls so as to disturb a person.

14) The owner of a dog or aggressive dog is guilty of an offence if the dog defecates on any public or private property not owned or occupied by the owner and the owner fails to immediately remove the defecation.

15) Any person who owns or occupies a dwelling unit (as defined by the Land Use bylaw) is guilty of an offence if he or she has more than three (3) dogs on any land which contains or is permitted under the Land Use bylaw to contain, a dwelling unit. That any existing household that currently owns greater than three dogs, as of the passing of this bylaw (July 11, 2019), be grandfathered and allowed to keep their dogs in excess of three but not allowed any additional dogs.

16) Any person who owns or occupies a dwelling unit (as defined by the Land Use Bylaw) is guilty of an offence if he or she has more than three (3) cats on any land which contains or is permitted under the Land Use bylaw to contain, a dwelling unit. That any existing household that currently owns greater than three cats, as of the passing of this bylaw (July 11, 2019), be grandfathered and allowed to keep their cats in excess of three but not allowed any additional cats.

17) Sections 15 and 16 do not apply to premises lawfully used for the care and treatment of animals operated by a licensed veterinarian or a person in possession of a development permit to operate a kennel or cattery as authorized by the Village's current Land Use Bylaw.

18) The owner of an animal or aggressive dog is guilty of an offence if he or she allows the defecation of an animal or aggressive dog to accumulate on private property to such an extent that it is likely to annoy people or constitute a nuisance due to odor or unsightliness.

19) A person is guilty of an offence if such person springs or otherwise tampers with or damages a live trap in which animals or skunks are to be trapped, or have been trapped so as to allow any animal or skunk to escape from the trap.

20) Any owner of a dog in the Village for a period longer than 30 days in a calendar year is required to have a current license for the Village unless the owner is visiting and the dog is licensed in another municipality.

21) A person is guilty of an offence if he or she exercises an animal or aggressive dog while he or she is driving in a motor vehicle.

22) The owner of an animal is guilty of an offence if he or she fails to carry a leash while with an animal in a designated off leash area.

23) The owner of an animal or aggressive dog is guilty of an offence if he or she fails to ensure the animal or aggressive dog wears a collar and tag when the animal is off the owner's premises.

24) The owner of an animal is guilty of an offence if the animal is in an off leash area and exhibits threatening behavior towards any other domestic animal or a person and the owner fails to remove the animal immediately from the off leash area.

25) The owner of a dog is guilty of an offence if such dog is in an area where signs prohibit the presence of dogs.

26) No person shall keep or cause to be kept:

- i) any exotic animal, venomous snake, venomous reptile, venomous insect or venomous spider;
- ii) any wild animal;
- iii) any livestock on any property unless the property is designated as a Small Holdings Residential or Urban Reserve District as provided under the Village Land Use bylaw and has been approved for such by the development officer and/or municipal planning commission.

Offences Applicable Only to Aggressive Dogs

27) The Owner of an Aggressive Dog is guilty of an offence if:

- i) the aggressive dog is not wearing a muzzle, under control and on a leash held by a person who is capable of controlling the aggressive dog at all times when the aggressive dog is of the owner's property;
- ii) the aggressive dog is on the owner's property and is not indoors, or if outdoors is not with and supervised by an adult or is not in a locked pen or enclosure capable of preventing the entry of any person except the owner of the aggressive dog;
- iii) within seven (7) days after the dog has been designated as an aggressive dog, the owner fails to display at each entrance to the owner's property and on the locked pen or structure in which the aggressive dog is confined, clear and visible signs, as specified in schedule 'b' of this bylaw, a warning of the presence of an aggressive dog on the owner's property;
- iv) the aggressive dog is in a designated off leash area;
- v) the aggressive dog is running at large;
- vi) the owner fails to immediately notify the Village and an animal control officer if the aggressive dog is running at large.

Kennels

28) Any person who owns, keeps or harbors more than three (3) dogs or more than three (3) cats, over the age of three (3) months, without obtaining the required development permit for a kennel in accordance with the Land Use Bylaw is guilty of an offence. If a person wishes to own, keep or harbor more than three dogs or three cats, the owner can apply for a development permit under the land use bylaw for a kennel. Such an application would constitute a discretionary use depending on the applicable Land Use District and be subject to the normal development permit process as per the land use bylaw.

Threaten, Attack, or Bite Animal Provisions

29) The Owner of an animal or aggressive dog is guilty of an offence if the animal:

- i) exhibits threatening behavior towards a person or other domestic animal;
- ii) bites, attacks or causes a minor injury to a domestic animal;
- iii) bites, attacks or causes a minor injury to a person;
- iv) bites, attacks or causes a severe injury to a domestic animal;
- v) causes death to a domestic animal;
- vi) bites, attacks or causes a severe injury or death to a person.

30) Section 29 applies to the conduct of an animal whether on or off the property of the owner.

Additional Penalties

31) A Justice, after convicting an owner of a dog of an offence under this bylaw, may in addition to the fine specified under this bylaw order one or more of the following:

- i) the dog be designated as an aggressive dog;
- ii) the dog be euthanized;
- iii) the owner be prohibited from owning any dog for a specified period of time.

Interference with an Officer

32) Any person, whether or not they are the owner of an animal or aggressive dog which is being or has been pursued and or captured is guilty of an offence if he or she:

- i) interferes with or attempts to obstruct an Officer who is attempting to capture or who has captured any animal;
- ii) unlocks or unlatches or otherwise opens the vehicle in which animals captured for impoundment have been placed so as to allow or attempt to allow any animal to escape there from;
- iii) removes or attempts to remove any animal from the possession of an Officer;
- iv) refuses to provide identification (name, address and date of birth) and proof thereof to an Officer upon request;
- v) provides false or misleading information to an Officer.

Impounding Animals

33) Any Officer or any designated Contractor with the Village may seize and impound:

- i) any animal or aggressive dog running at large;
- ii) any animal or aggressive dog not wearing a collar or tag while off the premises of the owner;
- iii) any animal found on park or parkland and not under the direct control of the owner;
- iv) any female animal or aggressive dog in heat not confined or housed;
- v) any animal found to be abused, distressed or kept in a distressed condition.

34) Upon receiving an animal or aggressive dog for impound an animal control officer, contractor or its staff shall make reasonable efforts to identify and contact the owner of the animal or aggressive dog.

35) Subject to the entry notice provisions of the Municipal Government Act, R.S.A. 2000 c M-26, an Officer may enter upon privately owned property at all times, other than a dwelling house, for the purposes of enforcing the provisions of this Bylaw.

36) An Officer, including an animal control officer is hereby authorized to use live traps, nets or any other similar means to effect capture of animals or aggressive dogs. The Village or its contractor shall not be held liable for the death or injury of any animal or aggressive dog.

37) The Contractor shall not sell, euthanize, or otherwise dispose of any impounded animal or aggressive dog until the animal or aggressive dog is retained in the contractor's impound facility for seventy-two (72) hours, not including the day of impounding, Sundays or Statutory Holidays. After the expiration of seventy-two (72) hours, if the owner has not claimed the impounded animal, the animal becomes the property of the contractor.

38) The Contractor may retain an animal for a longer period if in the opinion of the contractor the circumstances warrant the expense or they have reasonable grounds to believe that the animal is a continued danger to persons, animals or property.

39) Any healthy animal may be returned to the owner during the seventy-two (72) hour period of impoundment upon payment to the contractor the costs of impoundment and boarding (as specified in the contract between the Village and the contractor). The Contractor may also collect the appropriate animal license fee and any fines as outlined in schedule 'A' on behalf of the Village if the animal is not licensed at the time of impoundment.

40) Any person claiming an impounded animal shall present government issued identification to be contractor or its staff.

41) Where an impounded animal or aggressive dog has not been claimed by an owner within 72 hours of impoundment, the contractor is authorized to sell, euthanize, or otherwise dispose of any impounded animal or aggressive dog.

Full Right and Title

42) The purchaser of an animal from the contractor pursuant to the provisions of this Bylaw shall obtain full right and title to it and the right and title of the former owner of the animal shall cease upon the purchase.

Municipal Tickets and Violation Tickets

43) Where an Officer has reasonable grounds to believe that a person has contravened any provision of this bylaw:

- i) he or she may serve upon the person a municipal ticket allowing payment of the specified fine as set out in Schedule 'A' of this bylaw, which payment will be accepted by the Village or Contractor on behalf of the Village in lieu of prosecution for the offence if paid within 21 days of the date of service; or
- ii) he or she may issue and serve a violation ticket in accordance with the Provincial Offence Procedure Act, R.S.A. 2000 c P-34 and amendments thereto, allowing a voluntary payment or requiring a person to appear in court, without the alternative of making a voluntary payment.

44) An Officer may but is not required to issue a municipal ticket before issuing a violation ticket under the Provincial Offences Procedure Act.

45) A Municipal Ticket shall be deemed to be sufficiently served if:

- i) served personally on the owner of the animal or aggressive dog, or left at the owner's residence;
- ii) mailed to the address of the owner of the animal or aggressive dog.

46) Penalties for a second, third and subsequent offences will be applicable where those offences occur within one (1) year of the first offence.

Continuing Offences

47) 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 the offence continues and any person guilty of such an offence is liable to a fine in the amount not less than that established by this bylaw for each such day.

Summary Conviction

48) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to the specified penalty set out in Schedule 'A' and in default of payment of any fine imposed to imprisonment for not more than six (6) months. Any person who contravenes any provision of this Bylaw for which there is either "Court" or no penalty specified in Schedule "A" is guilty of an offence and is liable on summary conviction to a fine of not less than five hundred dollars (\$500) and not more than ten thousand (\$10,000) and in default of payment of any fine imposed, to imprisonment for not more than six (6) months.

Exemption for Police Service Dogs

49) This Bylaw does not apply to an RCMP Service Dog while it is in active service.

Proof of License and Age of Animal

50) In any prosecution or proceedings for a contravention of this Bylaw, the onus of proving all of the following is on the person alleging that:

- i) a person has a valid and subsisting license for an animal or aggressive dog;
- ii) an animal or aggressive dog is under 3 months of age; and
- iii) the length of time an animal has been in the Village is less than 30 days in a calendar year.

Certified Records of the Village

51) A copy of a record of the Village, certified by the Chief Administrative Officer as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

Animal Trapping

52) No person shall set any animal trap outdoors in a manner that makes it probable any animal trapped will be injured, poisoned or killed.

53) No person shall set a cat trap outdoors when the ambient temperature is zero degrees Celsius or below or in an area not shaded from the sun, unless the trap is being continually monitored by a resident of a property or animal control officer.

54) Cat and animal trapping will be primarily conducted by animal control officers.

- i) a resident with the approval of an animal control officer may be temporarily issued a trap to locate and detain a nuisance cat or animal;
- ii) any person trapping a cat or animal shall immediately advise an animal control officer who shall take custody of the trapped animal;
- iii) animal control officers shall make every reasonable effort to locate the owner of any trapped cat or animal.

55) Animal control officers may set traps at their discretion to capture nuisance animals or animals that are running at large.

56) An animal repeatedly found at large by animal control officers shall be considered a nuisance animal and shall be seized and detained at the discretion of the CAO or their designate.

Severability

57) Each separate provision of this Bylaw shall be deemed independent of all provisions, and if any provision of this Bylaw be declared invalid, all other provisions shall remain valid and enforceable.

Annual License Fees

58) Refer to Schedule 'A'

Specified Penalties

59) Refer to Schedule 'A'

Repeal

61) That Bylaw's and Amendments numbered 402, 477-90, 481-92, and 524-99 are hereby repealed.

In Force

62) This bylaw shall come into full force and effect on the day that it is finally passed by Council by giving it third and final reading and it is signed in accordance with the MGA.

READ A FIRST TIME THIS _____ DAY OF _____, 2019.

Mayor David Sisley

Chief Administrative Officer
Mark Nikota

READ A SECOND TIME THIS _____ DAY OF _____, 2019.

READ A THIRD TIME AND FINALLY PASSED THIS _____ DAY OF _____, 2019.

Mayor David Sisley

Chief Administrative Officer
Mark Nikota

Bylaw #640-2019 – Animal Control Bylaw

Schedule 'A' – Annual License and Specified Penalty Fees (listed by bylaw section number)

Category A – Fees: \$10

- 3) Annual License Fee for all animals
- 6) Replacement Tag

Category B – Fines: First Offence \$50* / Second Offence \$100* / Third and Subsequent Offence \$250*

- 8) Failure to purchase license
- 10 to 26 inclusive) Animal Control Provisions
- 28) Kennels (animal limits)

Category C – Fines: First Offence \$100* / Second Offence \$200* / Third and Subsequent Offence \$500*

- 27) Offences for Aggressive Dogs
- 29i, 29ii, 29iii) Threaten, Attack, or Bite Animal Provisions
- 52 to 56 inclusive) Animal Trapping

Category D – Fines: All Offences \$500*

- 32) Interference with an Officer

Category E – Court

- 29iv, 29v, 29vi) Threaten, Attack, or Bite Animal Provisions

*Notwithstanding fines as outlined above, if deemed appropriate by attending officer, ANY case may be referred to action in court as required for the prescribed offence.