

VILLAGE OF DONNELLY
BYLAW No. 23-01
PROVINCE OF ALBERTA

A BYLAW OF THE VILLAGE OF DONNELLY, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE LICENSING, REGULATION AND CONTROL OF DOGS & CATS AND DOMESTIC ANIMALS INCLUDING DANGEROUS OR AGGRESSIVE DOGS & CATS, AND THE RUNNING OF DOGS & CATS AT LARGE.

WHEREAS pursuant to the provisions of the *Municipal Government Act*, R.S.A. 2000 c. M-26, as amended, the Council of a municipality may pass Bylaws for the safety, health and welfare of people and the protection of people and property, and may also pass Bylaws related to wild and domestic animals and activities in relation to them, including the restraining and destruction of Dogs and Cats, and the conditions governing the payment of costs and expenses for impoundment;

AND WHEREAS the Village of Donnelly Council deems it desirable and in the interest of public safety to regulate Dangerous Animals & Cats, the running of Dogs & Cats at Large and the barking and howling of Dogs or Cats within the Village of Donnelly;

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

PART 1 – TITLE

1. This Bylaw may be cited as “The Animal Control Bylaw”.

PART 2 – DEFINITIONS

2. In this Bylaw, unless the context otherwise requires:

- (a) **Animal**- means any dog or cat species
- (b) **Animal Control Officer** - means any person appointed by Council as a Bylaw Enforcement Officer to enforce the provisions of this Bylaw or a Police Officer, as defined by the *Police Act*, R.S.A. 2000 c. P-17, as amended.
- (c) **At Large** - when used in reference to a Dog or Cat, means a Dog or Cat, which is off the premises of the Owner of the said Dog or Cat, and is not on a leash or is not being effectively controlled by the Owner or a person capable of controlling the Dog or Cat.
- (d) **Biting** – means cutting, wounding or puncturing of skin by tooth or teeth.
- (d) **Cat** - means either male or female feline, or similar animal.
- (e) **Chief Administrative Officer** - means the Chief Administrative Officer for the Village of Donnelly.
- (f) **Council** – means the council of the Village of Donnelly.
- (g) **Dog** - means either male or female canine, or similar animal.
- (h) **Dog Tag** - means a numbered metal tag issued by the Village to the Owner of a Dog when the Owner obtains a Dog Licence from the Village.
- (i) **Dangerous Animal** - means any Dog or Cat, which in the opinion of a Peace Officer or Animal Control Officer:

- (i) Without provocation, shows a propensity, or disposition or potential to attack or injure humans or animals;
 - (ii) Without provocation attacks, bites, or injures any human or animal;
 - (iii) Is deemed to be dangerous by a Court; or
 - (iv) If, after investigation or inquiry an Animal is deemed to be a Dangerous Animal by an Animal Control Officer or Peace Officer.
- (j) Domestic Animal** - means such animals that have been domesticated for agricultural use or pets including but not limited to pigs, horses, sheep, chickens, goats, pigeons or any other animal deemed a Domestic Animal by an Animal Control Officer. For the purpose of this Bylaw a Domestic Animal does not include a Dog or Cat.
- (k) “Hen”** means a female chicken over 4 months of age.
- (l) Impounded** - means taken into custody of the Pound.
- (m) Kennel** - means an establishment run by any person or corporation engaged in the business of breeding, buying, selling, training or the boarding of Dogs or Cats.
- (n) Licence** - means the annual licence issued by the Village of Donnelly and purchased by an Owner of a Dangerous Animal.
- (o) Municipal Violation Ticket** - means a document that is a Municipal Violation Ticket issued on behalf of the Village of Donnelly pursuant to the *Municipal Government Act*, R.S.A. 2000, c. M-26.
- (p) Owner** – means:
- a. The person owning, possessing, having charge of or control over or harbouring any Animal;
 - b. Suffering or permitting any Animal to remain on or about the property owned or controlled by that person.
 - c. A person to who a licence was issued for a Dangerous Animal; or
 - d. A person who is the occupant of the property under lease, licence or permit.
- (q) Peace Officer** - means a Bylaw Enforcement Officer, an Animal Control Officer or a Peace Officer as defined by the *Peace Officer Act*, S.A. 2006, c. P-3.5, as amended or a Police Officer as defined by the *Police Act*, R.S.A. 2000 c. P-17., as amended.
- (r) Pound** - means the premises designated by the Chief Administrative Officer or their designate for the purpose of impounding and caring for Dogs or Cats or other animals found within the Village or which are in violation of this Bylaw.
- (s) Restricted Dog** – means any dog of any age of a breed listed in section 5(c) of this Bylaw.
- (t) Village** - means the Village of Donnelly.
- (u) Violation Ticket** - means a violation ticket issued pursuant to the *Provincial Offences Procedures Act*, R.S.A 2000 c. P-34, as amended.

PART 3 – LICENSING

3. No person shall own, keep or harbour any Animal within the Village limits unless such Animal is licenced as provided herein.
4. Every Owner of a Animal over the age of six (6) months that resides within The Village of Donnelly shall purchase a permanent license from the Village as prescribed by and subject to the payment of fees set out in Schedule “A” of this Bylaw attached hereto.
5. Owners of a Dangerous Animal deemed dangerous will be required to purchase an annual licence.
 - a. Every dangerous license issued to an owner shall expire on the 31st day of December of the year it was purchased.
 - b. Every Owner who possesses an annual license must renew their annual licence prior to the 1st day of March of each calendar year.
 - c. The Owner of a Dangerous pet shall purchase an annual license in the amount set out in Schedule “A” to this Bylaw.
6. No person shall operate a Kennel within the Village without first obtaining a development permit.
7. No person or persons, other than a person that has possession of a development permit to operate a Kennel, shall keep or harbour more than four (4) aged three (3) months or more at one time on a lot or property, or in any house, shelter, room or confined place, within the Village.
)
8. Section 3 and 4 of this Bylaw shall not apply to a person or premises:

Animal

- a. The Pound, or premises lawfully used for the care and treatment of Dogs or Cats operated by a licenced veterinarian;
 - b. Premises which with the written permission of the Village may be temporarily used for the purpose of a Animal show; or
 - c. To any person in possession of a valid development permit to operate a Kennel, pet store or Animal grooming type business.
9. The Owner of a Animal shall provide the Village with the following information when purchasing a Dog Licence:
 - a. Name and street address and telephone number of the Owner of the Animal;
 - b. Name, sex, breed and description of the Animal to be licenced;
 - c. Proof of current rabies and immunizations;
 - d. Proof of spaying or neutering if applicable;
 - e. Such other information as may be required with respect to the Animal Licence.
10. Licences issued under this Bylaw shall not be transferrable from one animal to another.
11. Upon payment of the required licence fee the Owner will be supplied with a Animal tag.

12. Every Owner shall ensure that the Animal tag is securely fastened to a choke chain, collar or harness which must be worn by the Animal at all times.

13. The Owner of a Animal that has been licenced under this Bylaw shall obtain a Animal tag to replace a tag that has been lost upon payment of the fee specified in Schedule “A” of this Bylaw.

14. Licence provision of this Bylaw shall not apply to a person temporarily in the Village for a period not exceeding thirty (30) days or those renting a space in the Village of Donnelly Campground.

15. The Village of Donnelly shall keep a database or record that records the name, address and telephone number of each Owner, the breed, colour and sex of each Owner’s Animal together with the date of registration of the Owner’s Animal, the number stamped on the metallic tag issued to the Owner, the date of last immunization of the Animal, confirmation of neutering or spaying if applicable as well as the licence fee paid by the Owner.

PART 4 – RESPONSIBILITIES OF OWNER

16. No Owner shall allow any Animal to be At Large within the Village. When any Animal is found to be At Large, its Owner shall be deemed to have failed to comply with this section.

17.

- a. No Person or Owner shall allow a Animal or a Domestic Animal to defecate on any public property within the Village or private property within the Village which is not owned or occupied by the Owner.
- b. When a Animal or Domestic Animal defecates on any public or private property other than the property of its Owner, the Owner or person in control of the Animal or Domestic Animal or its Owner shall cause such defecation to be removed immediately. Guide Dogs utilized by a person who is legally blind are exempt from this sub-section of the Bylaw.
- c. When a Animal defecates on its Owner’s property to the extent that excessive smell results, the Owner shall immediately remove the defecation on notice of a Peace Officer, Animal Control Officer or Health Authority having jurisdiction.

18.

- a) No Owner shall permit his or her Dog and Cat to bark or howl excessively or act in any other manner that disturbs the peace, quiet or repose of another person.
- b) When a Animal barks, howls or in any other manner disturbs the quiet of another person, the Owner shall be deemed to have failed or refused to comply with s. 18(a) of this Bylaw. After the 3rd offence if the animal is still barking, howling, or creating a disturbance the animal may be apprehended by a Peace Officer and removed from the premises. Any Animal that is apprehended under this section becomes the property of the Village, and may be destroyed or disposed of in accordance with s. 39 of this Bylaw.

19. No Owner shall permit his or her Animal to damage public or private property. When a Animal damages public or private property, its Owner shall be deemed to have failed, or refused to comply with this section.

20. No Animal shall be permitted to be a public nuisance by:

- a. Biting, attempting to bite or chasing people;
- b. Barking or chasing bicycles and automobiles;
- c. Causing any harm or damage to any other Animal or animal; or

- d. Harm or damage private or public property of a person other than the Owner of the Animal.

PART 5 – DANGEROUS AND AGGRESSIVE DOGS

- 21. A Dog may be deemed to be a Dangerous Animal in accordance with s. 2 of this Bylaw.
 - a) A Dangerous Animal Designation pursuant to this Bylaw continues to apply if the Animal is sold, given or transferred to a new Owner.
- 22. Every Dangerous Animal must be:
 - a) Removed from the corporate limits of the Village of Donnelly.
- 23. The Owner of any Dog that bites a person shall promptly report the incident to a Peace Officer and the Dog may thereupon be quarantined for a period of 10 days at the discretion of a Peace Officer and shall not be released from such quarantine except by written permission of the Medical Officer of Health. At the discretion of a Peace Officer, such quarantine may be on the premises of the Owner or at the Pound. In the case of a Dog whose ownership is not known, such quarantine shall be at the Pound.
- 24. A Peace Officer may at any time destroy or cause to be destroyed a Dangerous Animal which is not kept in compliance with s. 22 of this Bylaw.
- 25. Only one (1) Dangerous Animal will be permitted at any premise with a municipal address in the Village.
- 26. The Owner of a Dangerous Animal shall:
 - a) obtain a License for the Dangerous Animal on the first business day after the Animal has been declared as a Dangerous; or
 - b) obtain a License on the first business day after he becomes Owner of the Dangerous Animal; and
 - c) maintain the License current for the Dangerous Animal.

PART 6 – OTHER ANIMALS/BIRDS

- 27. No person shall keep or cause or suffer to be kept any bovine, equine, porcine, or ruminant animal within the corporate limits of the Village.
- 28. No person shall keep or cause or suffer to be kept any bird, other than a caged bird as defined in this bylaw, within the limits of the Village.
- 29. Notwithstanding Section 28, a person may keep up to a maximum of six (6) hens on a single property. The keeping of these shall be based on a “Best Management Practices” model, having due regard for concerns relating to sanitation, noise, vermin and other nuisances.
 - a) Roosters are not permitted.
 - b) Coops and runs shall be located only in back or side yards, and shall be in good repair capable of being maintained in a clean and sanitary condition, free of vermin, obnoxious smells and substances and not create a nuisance or disturbance to neighboring residents due to noise, odor, damage or threats to public health.

PART 7 – GENERAL REGULATION

- 30. Unless otherwise specifically permitted by the Village of Donnelly’s Land Use Bylaw, as amended, no person shall keep a Domestic Animal within the Village.

31. No person shall negligently or wilfully open any gate, door or other opening in a fence or enclosure in which a Animal or Domestic Animal has been confined or otherwise obstruct or interfere with the confinement of any Animal or Domestic Animal, thereby allowing said Animal or Domestic Animal to run at Large within the Village.

32. No person shall tease, torment, annoy, harm, or wilfully neglect any Animal or Domestic Animal.

PART 8 – IMPOUNDMENT AND DISPOSITION

33.

- a) A Peace Officer or Animal Control Officer may seize and capture any Animal found running At Large and impound the said Animal in the Pound.
- b) If a member of the public has a reasonable belief that a Animal is a stray Animal within the Village, then that person is permitted to capture and/or secure the Animal and deliver the captured Animal to the Pound.
- c) A member of the public is also permitted to keep in their possession a Animal that is captured under s. 28(a) and (b) of this Bylaw until the Owner of the Animal is located or until a Peace Officer or Animal Control Officer can attend to take possession of the Animal.

34. A Peace Officer may destroy any Animal found running At Large within the Village if all other reasonable efforts to capture the Animal have been exhausted.

35. To assist in the seizure or capture a Animal running At Large a Peace Officer or Animal Control Officer may utilize live traps.

36. A Animal that has been impounded shall be kept in the Pound for a period of seventy two (72) hours. Saturdays, Sundays, and statutory holidays and the day of impoundment shall not be included in the computation of this seventy two (72) hour period. During this period, any healthy Animal may be redeemed by its Owner, or agent of the Owner, upon proof of payment of the Pound fees as described in Schedule “A” of this Bylaw for every twenty-four (24) hour period or fraction thereof that the Animal has been Impounded and the appropriate specified penalty as described in Schedule “B” of this Bylaw, plus, where the Animal is not licenced, the appropriate licence fee as described in Schedule “A” of this Bylaw.

37. At the expiration of the seventy two (72) hour period, any Animal not claimed may be destroyed, or sold or adopted to a person other than the Owner provided that such person shall be responsible for any or all payments listed in s. 31 of this Bylaw.

38. The Owner of a Animal which has been impounded and which carries a current Animal Tag, shall be notified, when possible, of the impoundment and such licenced Impounded Animal may be redeemed in accordance with section 31 of this Bylaw.

39. Notwithstanding anything else in the Bylaw, when in the opinion of a licenced Veterinarian or a Peace Officer, a Animal should be destroyed for humane reasons; such Animal may not be redeemed.

40. No action shall be taken against any person acting under the authority of this Bylaw for damages related to the destruction or other disposal of any animal, or for any other action authorized by this Bylaw.

41. For the purpose of investigation or enforcement of this Bylaw a Peace Officer or Animal Control Officer is hereby authorized to enter any privately owned premises at any reasonable

time, provided however that in this section the word “premises” does not include a building used as a dwelling house.

42.

43. No person shall without the consent of a Peace Officer or Animal Control Officer Remove or attempt to remove any Animal from the possession of the Pound until such time as all penalties and costs have been satisfied.

44. Any Owner may request that a Animal be surrendered to or destroyed by the Village subject to a fee and approval by a Peace Officer as prescribed in Schedule “A” of this Bylaw.

PART 9 – RABIES CONTROL

45. The owner of an animal suspected of having rabies shall:

- a) immediately report the matter to Agriculture Canada, Veterinary Inspection Directorate or to the Animal Control Officer,
- b) confine or isolate the animal, in such a manner as prescribed so as to prevent further spread of the disease, and
- c) keep the animal confined for not less than ten (10) days at the expense of the owner.
- d) On official report of an outbreak or a threatened outbreak of rabies, or any disease affecting animals that may be transmitted to human beings, the Chief Administrative Officer or their designate may order and direct that all animals be confined entirely to the Owner’s premises.

46. When an Animal under quarantine has been diagnosed as rabid, or suspected by a licenced veterinarian as being rabid, and dies while under such observation, a Peace Officer shall immediately send the head of such animal to the appropriate health department for pathological examination and shall notify the Medical Officer of Health for the Village of reports of human contacts, and the diagnosis made of the suspected animal.

47. During such period of rabies quarantine as herein mentioned, every animal bitten by an animal adjudged to be rabid, shall be forthwith destroyed, or at the Owner’s expense and option shall be treated for rabies infection by a licenced veterinarian or held under quarantine by the Owner in the same manner as other animals are quarantined.

48. Except as provided by authority of this Bylaw, no person shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies, or any animal that has bitten a human, or remove the same from the Village limits without permission from a Peace Officer, or an Animal Control Officer.

49. The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to a Peace Officer or an Animal Control Officer.

50. A Peace Officer or Animal Control Officer shall direct the disposition of any animal found to be infected with rabies.

PART 10 – PENALTIES AND ENFORCEMENT

51. Any Person who contravenes any provisions of this Bylaw is guilty of an offence and liable upon summary conviction:

- a. To a specified penalty for a first offence as set out in Schedule “B” attached hereto and forming part of this Bylaw;

- b. To a specified penalty for a second or subsequent offence of double the original penalty as set out in Schedule “B” attached hereto and forming part of this Bylaw; or
 - c. Where no specific penalty is specified, a penalty to be imposed in the discretion of the Court having jurisdiction, having regard to s. 7(i) of the *Municipal Government Act*, R.S.A. 2000, c. M-26.
52. A Peace Officer or an Animal Control Officer is hereby authorized and empowered to issue a Municipal Violation Ticket to any person who they have reasonable and probable grounds to believe has contravened any provision of this Bylaw.
53. Where a Municipal Violation Ticket is issued pursuant to this Bylaw, the Person to whom the Municipal Violation Ticket is issued may, in lieu of being prosecuted for the offence, pay the Village the penalty specified on the Municipal Violation Ticket.
54. If the penalty specified on the Municipal Violation Ticket is not paid within the prescribed time period then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*.
55. Notwithstanding s. 52 of this Bylaw, a Peace Officer or Animal Control Officer is authorized and empowered to immediately issue a Violation Ticket pursuant to the *Provincial Offences Procedures Act* R.S.A 2000 c. P-34, as amended, to any person who the Peace Officer has reasonable grounds to believe has contravened any provisions of this Bylaw.
56. A Provincial Court Judge, in addition to the other penalties provided for in this Bylaw, may if he or she considers the offence sufficiently serious, direct or order the Owner to prevent such Animal from doing mischief or causing a disturbance or a nuisance, or to order that the animal be removed from the Village, or order that the animal be destroyed.
57. Nothing in this Bylaw shall prevent a Peace Officer from issuing a Violation Ticket for a mandatory court appearance to any person who contravened any provision of this Bylaw.
58. No person shall:
- a. Interfere with or attempt to obstruct a Peace Officer or Animal Control Officer who is attempting to capture, or who has captured, any Animal in accordance with the provision of this Bylaw;
 - b. Induce any Animal to enter a house or other place where it may be safe from capture, or otherwise assist the Animal to escape capture;
 - c. Falsely represent themselves as being in charge or in control of a Animal in an attempt to establish that the Animal is not running At Large;
 - d. Unlock or unlatch or otherwise open the truck or vehicle in which a captured Animal has been placed so as to allow or attempt to allow any Animal to escape;
 - e. Falsely represent themselves as being or not being the Owner of a Animal in order to attempt to avoid a fine or obtain a lesser fine;
 - f. Interfere with the issuance of a Violation Ticket or Municipal Violation Tag for a breach of any of the provisions of this Bylaw by the Animal Control Officer or Peace Officer.
59. A Peace Officer is authorized to enter and make contact with the occupant of, at any reasonable time, any property, public land, private lands or buildings, to inspect for conditions that may constitute a contravention or for animals that fail to comply with the provisions of this

Bylaw and such Peace Officer may order the Owner or Occupant thereof to remedy any condition which is deemed to be in contravention of this Bylaw.

PART 11 – OWNER PERSONAL LIABILITY INSURANCE

60. An Owner of a animal which has been designated as a Dangerous Animal animal pursuant to section 2, and once an owner has an animal deemed dangerous any future pets, shall maintain in force a policy of liability insurance in a form satisfactory to the Chief Administrative Officer providing third party liability coverage of a minimum amount of \$1,000,000.00 (one million dollars) for injuries caused by the Owner’s ~~Dog~~ animal, and shall present proof of such insurance when purchasing a License for the Dangerous Animal.

61. Such liability policy required in section ~~56~~ 55 shall contain a provision requiring the insurer to immediately notify the Chief Administrative Officer in writing should the policy expire or be cancelled or terminated.

PART 12 - SEVERABILITY

62. If, at any time, any provision of this Bylaw is declared or held to be illegal, invalid, or *ultra vires*, in whole or in part, then the provision shall not apply and the remainder of this bylaw shall continue in full force and effect and be construed as if it had been enacted without the illegal, invalid or ultra vires provision.

PART 13 – REPEAL

63. The Village of Donnelly Bylaw #15-03 and the Animal Control Bylaw from 2020 and any amendment thereto shall be repealed upon passage of this Bylaw.

PART 14 – EFFECTIVE DATE

64. This Bylaw shall come into full force and effect on the third and final reading.

BY-LAW NO. 23-01 IS HEREBY GIVEN FIRST READING THIS __ DAY OF __, 2023

BY-LAW NO. 23-01 IS HEREBY GIVEN SECOND READING THIS __ DAY OF __, 2023

BY-LAW NO. 23-01 IS HEREBY GIVEN THIRD READING AND PASSED THIS __ DAY OF __, 2023

MAYOR

CHIEF ADMINSTRATIVE OFFICER

**SCHEDULE “A”
LICENCE AND SERVICE FEES
BYLAW # 23-01**

Permanent Animal Licence – Non-transferable & non-refundable	Un-neutered Neutered	\$25.00 each animal \$10.00 each animal
Annual Animal Licence – Non-transferable & non-refundable	Restricted or Dangerous Restricted or Dangerous	\$100.00
Keeping of Hens (one-time fee)		\$25.00
Replacement of Lost Licence Tag		\$5.00
Owner Surrender or Request to destroy Dog or Cat		cost recovered for veterinary expense
Impoundment Fee		\$25.00 per day per animal

All proof of insurance must be presented to the Village office annually.

Dangerous Animal tags will be pro-rated to January 1st of each year.

SCHEDULE “B”

**SPECIFIED PENALTIES
BYLAW # 19-02**

Section	Offence	Penalty
3	Fail to obtain a Dog or Cat License	\$100.00
5(b)	Fail to renew Dangerous Animal or Cat License	\$100.00
6	Operate a Kennel without a permit	\$200.00
6	Fail to abide by Permit conditions	\$200.00
7	Have more than four pets on premises	\$200.00
12	Fail to securely fasten a Tag to a Animal	\$100.00
13	Fail to replace lost Tag	\$100.00
16	Allow a Animal to run At Large	\$100.00
17	Allow a Animal /Domestic Animal to defecate on public/private property	\$100.00
17(b)	Fail to immediately remove defecation from public/private property	\$100.00
17(c)	Fail to remove defecation upon notice to remove	\$100.00
18(a)	Permit a Animal to bark or howl excessively	\$200.00
19	Permit a Animal to damage public or private property	\$200.00
20(a)	Permit a Animal to be a public nuisance - biting/attempting to bite/chase people	\$500.00
20(b)	Permit a Animal to be a public nuisance - chasing bicycles or automobiles	\$200.00
20(c)	Permit a Animal to be a public nuisance - harm or damage another animal	\$300.00
NEW 24	Fail to comply with a Dangerous and Aggressive Animal requirement	\$800.00
23	Fail to report a Animal bite	\$400.00
30	Unlawfully keep a Domestic Animal	\$200.00
31	Negligently allow a Animal /Domestic Animal to run at large	\$200.00
32	Tease, torment, annoy, harm or willfully neglect a Animal /Domestic Animal	\$400.00
43	Remove/attempt to remove a Animal from the Pound without consent	\$800.00
58(a)	Interfere with/attempt to obstruct a Peace Officer/Animal Control Officer	\$400.00
60	Failure to obtain the required liability insurance.	\$500.00
No section	Without provocation, an animal has bit or attacked persons or other animals. If animal is destroyed, fine will be cancelled.	\$5000.00
27	Keep prohibited birds	\$200.00
29a	Exceed maximum number of permitted hens	\$150.00
29b	Fail to maintain coops/runs in a sanitary condition	\$150.00
30	Fail to license hens	\$100.00

Note: 10 B) To a specified penalty for a second or subsequent offence of double the original penalty as set out in Schedule “B” attached hereto and forming part of this Bylaw; or