

BY LAW 485-13
VILLAGE OF HUSSAR

Being a BYLAW of the Village of Hussar, in the Province of Alberta for the purpose of licensing, regulation and confinement of Animals.

WHEREAS It is necessary to establish rules and provisions to regulate the licensing and control of animals in the Village of Hussar.

NOW THEREFORE pursuant to the Municipal Government Act (2000) M-26 and all amendments thereto, the Municipal Council of the Village of Hussar in the Province of Alberta hereby enacts as follows:

1) TITLE

1.1 This Bylaw may be referred to as the Animal Control Bylaw.

2) DEFINITIONS 2.1

In this Bylaw:

Agent means any person duly authorized by the Village of Hussar to carry out any duties as outlined in this Bylaw.

Agency means any group, Society or business established for the purpose of the care and control of Animals.

Animal means any vertebrate including organisms commonly used as domestic pets including but not limited to dogs, cats, fish, gerbils, rabbits, domestic mice, birds, snakes and reptiles.

Animal Control Officer means a Bylaw Enforcement Officer appointed by the Municipality to do any act or perform any duties under this Bylaw and includes, but is not limited to, the Chief Administrative Officer of the Village of Hussar, a member of the Royal Canadian Mounted Police, an independent contractor who is under contract with the Village of Hussar to provide Bylaw enforcement services, an authorized Special Constable or the Wheatland County Bylaw Enforcement Officer.

Animal Shelter means any premises designated by the Village of Hussar or other Agency for the impoundment and care of Animals and includes, but is not limited to, the premises supplied by an independent contractor under contract with the Village of Hussar to provide such premises.

At Large means an Animal that is at any place other than the Owner's property or permitted areas and is not being carried by any person or is otherwise not restrained by a Permitted Leash held by a person. If it is difficult for a person to restrain the Animal by

a Permitted Leash, then the Animal shall be deemed to be At Large notwithstanding the presence of a Permitted Leash.

Controlled Confinement means the confinement of an Animal in a pen, cage or building or securely tethered in a manner that will not allow the Animal to bite, harm or harass any person or animal.

Damage to Property means damage to property other than the Owner's Property including but not limited to defecating or urinating on said property.

License means an Animal License issued by the Village of Hussar in accordance with the provisions of this Bylaw.

Licensable Animal means any Animal requiring a license as per Schedule D of this Bylaw and includes all Dogs and Cats over six (6) months of age. License Fee means the applicable annual fee payable for a License for any Animal as determined by Schedule A of this Bylaw.

License Tag means the identification tag issued by the Village of Hussar showing the registered license number for a specific animal.

Livestock means an Animal commonly raised for food or breeding on a farm or ranch. Owner means:

- A person who has the care, charge, custody, possession or control of an Animal;
- A person who owns or who claims any proprietary interest in an Animal;
- A person who harbours, suffers or permits an Animal to be present on any property owned, occupied or leased by that person or is otherwise in that persons control;
- A person who claims and receives an Animal from the custody of the Animal Shelter or an Animal Control Officer; or
- A person to whom a License Tag is issued to for an Animal in accordance with this Bylaw; and
- For the purposes of this Bylaw, an Animal may have more than one (1) owner.

Owner's Property means any property in which the Owner of an Animal has a 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 where the property shall include but is not limited to land, buildings and vehicles. Permitted

Leash means a leash adequate to control the Animal to which it is attached and where the leash shall not exceed three (3) metres in length. 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.

Serious Wound means an injury to a human or animal resulting from the action of an Animal which causes the skin to be broken or the flesh to be torn.

Village means the Village of Hussar in the Province of Alberta.

Village Office means the Municipal Office of the Village of Hussar in the Province of Alberta located at 109 – 1 Avenue East, Hussar.

Violation Ticket means a ticket issued pursuant to Part 2 of the Provincial Offenses Procedure Act, S.A. 1988, as amended and Regulations there under.

Wildlife Animal means any wild animal as defined by the Wildlife Act R.S.A. 1980 and amendments thereto.

Zoo means any business established and licensed for the purpose of showing animals to the public.

3) LICENSING PROVISIONS

3.1 Every person who is the Owner of a Licensable Animal which is six (6) months of age or older shall apply for a License for that Animal by submitting an Application to the Village and if the application is approved shall pay the applicable License Fee(s) as set out in Schedule A of this Bylaw.

3.2 The License Fee for any animal requiring a license as per Schedule D of this Bylaw is due and payable by January 31st of each year.

3.3 The Owner shall apply for an Animal License within seven (7) days if:

3.3.1 The Animal reaches the age of six (6) months after January 31st of the current year;

3.3.2 The person becomes the Owner of an Animal after January 31st of the current year; or

3.3.3 The Owner takes up residence in the Village after January 31st of the current year.

3.4 An Owner of an Animal which is unlicensed and which is required to be licensed as per Schedule D of this Bylaw and pursuant to this Bylaw is guilty of an offence.

3.5 An Owner shall provide with each application for a license any information as may be required by the Village or the Animal Control Officer.

3.6 Any person who provides to the Village or the Animal Control Officer with false or misleading information with respect to the information required in Section 3.5 of this Bylaw is guilty of an offence.

3.7 A License issued under this Bylaw shall not be transferrable from one Animal to another or from one Owner to another.

3.8 If the application is approved and the required License Fee is paid, the Owner shall be supplied with a numbered License Tag and that number shall be duly registered to that Animal in records kept at the Village Office.

3.9 An Owner shall ensure that the License Tag is securely fastened to a choke chain, collar or harness worn by the Animal and shall ensure the License Tag is worn by

the Animal at all times the Animal is on property other than the Owner's property, unless it is not possible to securely fasten the License Tag directly or indirectly to the Animal.

3.10 An Owner of a Licensed Animal is guilty of an offence if that Animal is not wearing a License Tag while that Animal is on property other than the Owner's Property, subject to the provisions in Section 3.9 of this Bylaw.

3.11 No person is entitled to a refund or rebate for any License Fee.

3.12 Every License shall expire on December 31st in the year in which it was issued.

3.13 The Animal Control officer shall consider all applications for Licenses and may at his or her discretion:

3.13.1 Require the applicant to submit such information as the Animal Control Officer deems appropriate including, but not limited to, any information respecting the Animal, proposed Controlled Confinement of the Animal, the lands where the Animal is to be kept, availability and nature of insurance, site plans of the land and the number of Animals to be kept;

3.13.2 Reject the application; or

3.13.3 Approve the application with or without any conditions that may be deemed to be relevant to the licensing of the Animal.

3.14 The Animal Control Officer may revoke a License if:

3.14.1 The applicant fails to comply with the conditions of the License;

3.14.2 The License was issued on the basis of incorrect information or misrepresentation by the applicant; **3.14.3** The License was issued in error; or

3.14.4 The Owner breaches any provision of this Bylaw.

3.15 Notwithstanding Section 3.1, where the Animal Control Officer or CAO is satisfied that the Licensable Animal is a designated, trained guide dog and the Owner of said dog has a medical condition requiring the aid of a guide dog, there shall be no fee payable for a license.

4) ANIMAL CONTROL PROVISIONS

4.1 An Owner shall keep within the boundaries of the Village no more than two (2) Licensable Animals unless:

4.1.1 The Owner has applied to the Village to keep additional animals;

4.1.2 The application has been approved;

4.1.3 The Owner has paid the required fees for additional animals as set out in Schedule A of this Bylaw; and

4.1.4 The total number of Licensable Animals does not exceed three (3) per household.

- 4.2** The maximum number of all Animals an Owner shall keep, other than Licensable Animals, shall be at the discretion of the Animal Control Officer.
- 4.3** An Owner who keeps more than two (2) Licensable Animals and has not paid the required fee under Section 4.1 of this Bylaw is guilty of an offense.
- 4.4** An Owner whose Animal is At Large is guilty of an offense.
- 4.5** An Owner whose Animal incessantly barks, howls or makes any other noise which thereby disturbs the quiet or repose of any person is guilty of an offense.
- 4.6** An Owner whose Animal has caused Damage to Property within the boundaries of the Village is guilty of an offense.
- 4.7** An Owner who allows an Animal to deposit body waste on any property other than that which the Owner is the lawful owner is guilty of an offense. **4.8** The Village may post signs in areas where Animals are not permitted and an Owner whose Animal is in an area where a sign expressly prohibits the presence of Animals is guilty of an offense whether or not that Animal is At Large.
- 4.9** An Owner is guilty of an offense if the Owner's Animal:
- 4.9.1** Bites, attacks, threatens, harasses, barks at, chases, injures or kills any person including but not limited to if that person is on a bicycle, horseback or while walking or running;
 - 4.9.2** Bites, attacks, threatens, harasses, barks at, chases, injures or kills any vertebrate or invertebrate belonging to another person; or
 - 4.9.3** Bites, barks at or chases any vehicle.
- 4.10** No person shall tease, torment, annoy, abuse or injure any Animal and any person who does so is guilty of an offense.
- 4.11** No person shall untie, loosen or otherwise free any Animal which is not in immediate distress unless the person has the authorization of the Owner and any person doing so is guilty of an offense.
- 4.12** No person shall interfere with, hinder or impede an Animal Control Officer in the performance of any duty authorized by this Bylaw and any person doing so is guilty of an offense.

5) CONTROLLED CONFINEMENT

- 5.1** A person who has received a Serious Wound or the Owner of any Animal which has received a Serious Wound and the Owner of an Animal which has inflicted the Serious Wound shall promptly report the Animal to an Animal Control Officer who may thereupon place the Animal under Controlled Confinement.
- 5.2** Any Animal placed in Controlled Confinement as per Section 5.1 of this Bylaw shall not be released from such Controlled Confinement except by written permission of a registered veterinarian.

5.3 At the discretion of the Animal Control Officer, Controlled Confinement may be on the premises of the Owner, a registered veterinarian or an Animal Shelter.

5.4 Upon demand made by the Animal Control Officer, the Owner shall forthwith surrender for quarantine any Animal which has inflicted a Serious Wound to any person or Animal and where the Animal Control Officer has reasonable and probably grounds to suspect the Animal of having been exposed to rabies.

5.5 An Owner may reclaim an Animal that was quarantined as per Section 5.4 of this Bylaw:

5.5.1 If the Animal is adjudged free of rabies;

5.5.2 Upon payment of confinement expenses; and

5.5.3 Upon compliance with the Licensing provisions of this Bylaw.

5.6 Pursuant to Section 5.4 of this Bylaw, if the Animal Control Officer determines that a License will not be issued for the Animal, Section 6.3 of this Bylaw will apply.

6) POWERS OF AN ANIMAL CONTROL OFFICER

6.1 An Animal Control Officer is authorized to capture and impound in an Animal Shelter any Animal which is At Large. The Animal Control Officer is further authorized to take such reasonable measures that are necessary to subdue any Animal which is At Large including, but not limited to, the use of tranquilizer equipment and materials.

6.2 An Animal Control Officer may enter onto any land surrounding any building in pursuit of an Animal which is At Large.

6.3 An Animal Control Officer may order that the Owner of an Animal that is guilty of an offense as described in Section 4.9 of this Bylaw have the Animal removed from the boundaries of the Village.

6.4 If the Animal Control Officer knows or can ascertain the name of the Owner of an impounded Animal, a Notice of Impoundment shall be delivered to the Owner either:

6.4.1 In person; or

6.4.2 By delivering or mailing it to the known address of the Owner.

6.5 The Owner of an impounded Animal shall be deemed to have received the Notice of Impoundment within 48 hours of the time it was delivered or mailed, not including Saturday, Sunday or Statutory Holidays.

6.6 An impounded Animal may be kept in an Animal Shelter for a period of up to 72 hours, not including Saturday, Sunday or Statutory Holidays. During this period any Animal may be redeemed by its Owner, except as otherwise provided in this Bylaw, upon payment to the Village or Animal Shelter:

6.6.1 The appropriate impoundment fee as set out in Schedule A of this Bylaw and/or any fee as determined by the Animal Shelter at which the Animal was impounded;

6.6.2 The appropriate License Fee if the Animal is not Licensed as set out in Schedule A of this Bylaw; and

6.6.3 The cost of any veterinary treatments deemed necessary by the Animal Shelter or licensed veterinarian of any Animal that is found to be injured when captured or injured in the process of impoundment.

6.7 If no License has been issued for the Animal or the conditions of the License or this Bylaw have not been met, the Animal Control Officer is not obligated to release the impounded Animal to the Owner.

6.8 At the expiration of the 72 hour period as described in Section 6.6 of this Bylaw, the Animal Control Officer or the Animal Shelter is authorized to:

6.8.1 Offer the Animal for sale or gift;

6.8.2 Destroy the Animal in a humane manner;

6.8.3 Allow the Animal to be redeemed by the Owner in accordance with the provisions in Section 6.6 of this Bylaw; or

6.8.4 Continue to impound the Animal for an indefinite period of time or for any period of time as the Animal Control Officer may decide.

7) PENALTIES

7.1 Any person who contravenes any provision of this Bylaw is guilty of an offense and is liable to the appropriate penalties as set out in Schedule B of this Bylaw.

7.2 Notwithstanding Section 7.1 of this Bylaw, any person who commits a second or subsequent offense within one (1) year of committing the first offense may be liable to a fine as set out in Schedule B of this Bylaw.

7.3 Under no circumstances shall any person contravening any provision of this Bylaw be subjected to the penalty of imprisonment.

7.4 Where there has been an offense of any section of this Bylaw an Animal Control Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the Provincial Offenses Procedure Act S.A. 1988, and all amendments thereto.

8) WILDLIFE, LIVESTOCK AND ZOOS

8.1 Any person may keep a Wildlife Animal which is held live under permit issued pursuant to the Wildlife Act and the keeping of which shall be subject to the permit requirements under the Wildlife Act R.S.A 1980 and all amendments thereto.

8.2 Any Wildlife Animal kept within the boundaries of the Village is bound by the terms and regulations set out in the Wildlife Act R.S.A 1980 and all amendments thereto.

8.3 This Bylaw shall not apply to:

8.3.1 An Animal kept at a Zoo or being securely transported within a motor vehicle to or from a Zoo.

8.3.2 An Animal kept at a veterinary clinic or being securely transported within a motor vehicle to or from a veterinary clinic.

8.4 No person shall be permitted to keep any fowl or bird within the boundaries of the Village except those birds that may be kept in a cage indoors for the purpose of being a pet.

8.5 No person shall be permitted to keep any livestock or farm animal within the boundaries of the Village except those that may be kept indoors in a cage for the purpose of being a pet.

8.6 Despite Section 8.4 and Section 8.5, this Bylaw shall not apply to any fowl or livestock being securely transported within a motor vehicle.

9) GENERAL

9.1 All applicants and Owners of Animals are responsible for and not excused from complying with the requirements of any Federal, Provincial or other Municipal legislation, including the Village's Land Use Bylaw.

9.2 Where the keeping of any Animal would be in contravention of any Federal, Provincial or other Municipal legislation, the Animal Control Officer may refuse to issue a License.

9.3 This Bylaw rescinds all previously passed Bylaws in the Village regarding Animal Control.

9.4 This Bylaw comes into full force and effect upon the date of the third and final reading by Village Council.

Read a First time this 13 day of March, 2013.

Read a Second time this 7 day of August, 2013.

Read a Third time this 11 day of September, 2013.

_____ Bruce Kaufman _____

Mayor

_____ Jennifer Pratt _____

CAO

SCHEDULE A – FEES

1) Annual License Fee for Neutered or Spayed Animal	\$10.00 per Animal
---	--------------------

- 2) Annual License Fee for all other Animals \$20.00 per Animal
- 3) Annual Fee for Additional Animals, more than two (2) Per household – Licensing Fees apply to each Animal \$50.00 per Animal

4) Impoundment Fees:

- a) Those charges rendered by the veterinarian that impounds an Animal or if a veterinarian is not used, the same charges as would be charged by a veterinarian in the locale of the Village for similar services.
- b) The charges rendered by the Wheatland County Animal Control Officer or any other agency for the apprehension and transporting of an Animal.

SCHEDULE B – PENALTIES

Section	Offense	Fine	2nd Offense Fine	3rd & Subsequent Offense Fine
3.1	Failure to obtain a license	\$150.00	\$300.00	\$450.00
3.4	Owner of an Unlicensed Animal	\$150.00	\$300.00	\$450.00
3.6	Providing false or misleading information	\$50.00	\$100.00	\$150.00
4.4	Owner of an Animal At Large	\$150.00	\$300.00	\$450.00
4.5	Owner of an Animal causing a disturbance	\$100.00	\$200.00	\$300.00
4.6	Owner of an Animal causing Property Damage	\$100.00	\$200.00	\$300.00
4.7	Owner of an Animal that deposits body waste	\$50.00	\$100.00	\$150.00
4.8	Owner of an Animal present in an prohibited area	\$100.00	\$200.00	\$300.00
4.9.1	Owner of an Animal which attacks a human **	\$150.00	\$300.00	\$450.00
4.9.2	Owner of an Animal which attacks another Animal	\$150.00	\$300.00	\$450.00
4.10	Teasing, tormenting and/or abusing an Animal	\$100.00	\$200.00	\$300.00
4.11	Freeing an Animal	\$150.00	\$300.00	\$450.00
4.12	Hindering or impeding an Animal Control Officer	\$100.00	\$200.00	\$300.00

** Status of Animal to be determined by the Wheatland County Animal Control Officer.

SCHEDULE C – APPLICATION FOR ANIMAL LICENSE FORM

See Village of Hussar Office

SCHEDULE D – LIST OF ANIMALS REQUIRING A LICENSE

All Animals are subject to the provisions in this Bylaw.

Those Animals deemed to require license and registration with the Village of Hussar are:

- a) All dogs.
- b) All cats, whether indoor or outdoor.

SCHEDULE E – NOTICE OF IMPOUNDMENT

See Village of Hussar Office