

BYLAW NO. 612-22

A BYLAW OF THE VILLAGE OF HINES CREEK, IN THE PROVINCE OF ALBERTA, FOR THE LICENSING, REGULATING AND CONFINEMENT OF DOGS.

WHEREAS: Section 7(h) of the Municipal Government Act, RSA 2000 Chapter M-26 as amended provides that Council may pass bylaws for municipal purposes respecting wild and domestic animals and activities in relation to them;

WHEREAS: it is desirable and in the best interest of the public to pass a bylaw to manage the licensing and regulation of animals in the Village of Hines Creek;

NOW THEREFORE: The Council of the Village of Hines Creek enacts as follows:

1. This Bylaw is cited as the "Dog Control Bylaw".
2. Definitions:
 - 2.1. **"Animal"** means and includes a dog;
 - 2.2. **"Animal Control Officer (ACO)"** means:
 - 2.2.1. A person employed or contracted by the Village to be an ACO or Bylaw Enforcement Officer;
 - 2.2.2. A municipal employee, officer or agent designated by Council as an ACO for the purposes of this Bylaw;
 - 2.2.3. An RCMP Officer
 - 2.3. **"Animal Fancier's License"** means a license issued by the Municipality to a person who is an Owner of 4 or more Dogs.
 - 2.4. **"Animal Shelter"** means the premises designated by the Municipality for the purpose of impoundment and care of Animals
 - 2.5. **"At Large"** means an Animal that is at any place other than the property of its owner, where that Animal is not being carried by any person, or is not otherwise restrained by a Permitted Leash held by a person, where that leash is attached to a choke chain, collar, or harness properly secured to that Animal.
 - 2.6. **"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.
 - 2.7. **"Dog"** means a male or female of the canine family over the age of 3 months.
 - 2.8. **"Kennel"** means an establishment kept solely, or in part, for the breeding, boarding, showing, training or a combination of any of the aforementioned services, of more than 3 dogs, whether or not the activity is performed for financial gain or profit.
 - 2.9. **"License"** means an Animal License issued by the Municipality in accordance with the provisions of the Bylaw.
 - 2.10. **"License Fee"** means the applicable fee payable in respect of a License for any particular Animal as set out in Schedule "A" of this Bylaw.
 - 2.11. **"License Tag"** means an identification tag issued by the Municipality showing the license number for a specific animal.
 - 2.12. **"Municipality"** means the Village of Hines Creek.
 - 2.13. **"Owner"** means any natural person or body corporate:
 - 2.13.1. Who is the licensed Owner of the animal;
 - 2.13.2. Who has legal title to the animal;
 - 2.13.3. Who has possession or custody of the animal, either temporarily or permanently; or
 - 2.13.4. Who harbours the animal or allows the animal to remain on his/her premises.
 - 2.14. **"Permitted Leash"** means a leash adequate to control the Animal to which it is attached, and which shall not exceed 3 meters in length.
 - 2.15. **"Purebred Dog"** means an animal bred from members of a recognized breed, strain, or kind without a mixture of other blood, over many generations.
 - 2.16. **"Serious Wound"** means an injury to a human or animal resulting from the action of an Animal which causes the skin to be bruised, punctured or broken.

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2.17. **"Violation Ticket"** means a ticket issued pursuant to Part 2 of the Provincial Offences Procedures Act RSA 2000, C.P-34, as amended or repealed and replaced from time to time, and the Regulations thereunder.

3. Licensing Provisions:

3.1. Every person who resides within the corporate limits of the Village, who is the owner of a Dog, shall possess a license issued by the Village for that Dog.

3.1.1. Any person who becomes an owner of a Dog, or who takes up residence within the Village shall apply for a license in the manner specified in this bylaw within 7 days of becoming the owner or of the date upon which that person took up residence within the Village.

3.2. A license shall be valid from the date of its issue until January 1st of the year immediately following the year of its issue. Upon the expiry of the license on January 1st, a person to whom the license was issued shall have until January 31st to apply for a renewal of that license.

3.3. A license may be obtained by submission of an application, along with the appropriate fees as set out in Schedule "A" of this Bylaw to the Village Office.

3.4. Subsections 3.1-3.3 above do not apply to any Dog under 3 months of age.

3.5. No person is entitled to a refund, or rebate of any License Fee nor are they entitled to transfer a license from one Animal to another, nor from one Owner to another.

3.6. An Owner of an unlicensed Dog which is required to be licensed pursuant to the provisions of this Bylaw is guilty of an offence.

3.7. No more than 3 Animals shall be harboured, suffered or permitted to remain upon or in any land, house, shelter, room or place, building, structure or premises within the corporate limits of the Village unless:

3.7.1. The Premises are lawfully used for the care and treatment of animals, operated by or under the charge of a licensed Veterinarian;

3.7.2. The Premises are temporarily being used for the purpose of a Dog show;

3.7.3. The Owner is the holder of a valid Animal Fanciers License issued under this Bylaw.

3.7.3.1. An Animal Fancier's License issued pursuant to this Bylaw shall be applied for in the same manner, and valid for the same duration as a license issued through Section 3.1 of this Bylaw.

3.7.3.2. An Owner shall provide the following information with each application for an Animal Fanciers License:

3.7.3.2.1. Description and breed of the Animals to be licensed;

3.7.3.2.2. Type of facility the Animals will be housed in;

3.7.3.2.3. Age of the Animals at the time of application.

3.8. If the required License Fee is paid, the Owner will be supplied with a License Tag which shall have a number registered to that Dog.

3.9. An Owner shall ensure that the License Tag is securely fastened to a choke chain, collar or harness worn by the Animal at all times when the Dog is on Property other than the Owner's Property.

4. Animal Control Provisions:

4.1. An Owner whose Animal is At Large is guilty of an offence.

4.2. An Owner whose Animal barks or howls or makes another noise thereby disturbing the quiet or repose of any person is guilty of an offence.

4.3. An Owner whose Animal has caused damage to public or private property is guilty of an offence.

4.4. The Municipality may post signs in areas where Animals are not permitted, and an owner whose Animal is in an area where a sign prohibits the presence of Animals, is guilty of an offence regardless of whether or not such Animal is at Large.

4.5. An Owner of an Animal is guilty of an offence if such Animal:

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- 4.5.1. Bites, attacks, threatens, harasses, barks at, chases or injures a person;
 - 4.5.2. Bites, attacks, threatens, harasses, barks at, chases, kills or injures any Animal belonging to other persons.
 - 4.6. If an Animal defecates on property which is not the Owner's Property, the Owner shall cause such defecation to be removed immediately and disposed of in a sanitary manner, and an owner who fails to do so is guilty of an offence.
 - 4.7. An Owner of a female Animal is guilty of an offence if said female is in heat and is not confined and housed in the residence of the Owner or in a licensed kennel during the entirety of the heat period except for the sole purpose of defecating on the premises of the Owner;
 - 4.8. No person shall tease, torment, annoy abuse or injure any Animal, and any person who does is guilty of an offence.
 - 4.9. No person shall untie, loosen, or otherwise free an Animal which is not in distress unless such person has the authorization of the Owner, and any person acting contrary to this section is guilty of an offence.
 - 4.10. No person shall interfere with, hinder or impeded an Animal Control Officer or Police Officer in the Performance of any duty authorized by this Bylaw, and any person who does is guilty of an offence.
5. Dangerous Dogs:
 - 5.1. The Owner of a Dog which has a known propensity, tendency or disposition to attack, without provocation, other animals or humans shall take all necessary steps to ensure that it does not bite, chase or attack any other human or animal whether the animal is on the property of the owner or not.
 - 5.1.1. If a Dangerous Dog bites, chases or attacks a person or Animal, the Owner shall be guilty of an offence and be liable to a fine under this bylaw.
 - 5.1.2. When a Dangerous Dog is off the premises of the Owner, it shall at all times be constrained by a harness or collar connected to a leash and securely under the control of a person of at least 16 years of age or older, so as to prevent it from attacking, harassing or biting a person or other Animal.
 - 5.2. Where an Animal Control Officer determines, on reasonable grounds, either through personal observation or on the basis of facts determined after an investigation, that a Dog has a known propensity, tendency or disposition to attack other persons or Animals, without provocation, that Animal Control Officer may deem the Dog to be a Dangerous Dog for the purposes of this Bylaw.
 - 5.3. Where an Animal Control Officer has deemed a Dog to be dangerous pursuant to Section 5.2., the Animal Control Officer shall provide the owner with a written notice of the decision, setting out:
 - 5.3.1. The basis upon which the decision was made;
 - 5.3.2. The mandatory obligations for control and restraint of a Dangerous Dog provided under this Bylaw;
 - 5.3.3. The consequences for failing to comply with the Dangerous Dog provisions of the Bylaw;
 - 5.3.4. Advising of the right to have the decision reviewed by Council including the timeframe for doing so.
 - 5.4. Where the Owner of a Dog has received notice of an Animal Control Officer's decision deeming it to be a Dangerous Dog, the Owner may, within 20 days of receipt of the notice, request, in writing, a review of the decision of the Animal Control Officer.
 - 5.5. Where Council receives a written request for a review pursuant to subsection 5.4., Council shall review the decision of the Animal Control Officer, the written comments of the Owner provided on the request for the review, and may confirm or revoke the decision of the Animal Control Officer.
6. Disease Control

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- 6.1. The Owner of an Animal that has caused a Serious Wound, or that the Owner has reason to suspect may have been exposed to rabies or other communicable disease, shall, in addition to any other duty imposed under the Public Health Act, immediately inform Village Administration:
 - 6.1.1. of the infliction of the Serious Wound or the suspicion of exposure to rabies or other communicable disease;
 - 6.1.2. in the case of a Serious Wound, the name and contact information for the person that has been wounded or the Owner of the Animal that has been wounded, as applicable; and
 - 6.1.3. whether the matter has been reported to the local community health centre, Public Health Inspector, or the Medical Officer of Health.
- 6.2. An Animal Control Officer that has reasonable grounds to believe that an Animal found At Large may have, or has been exposed to, rabies or another communicable disease may confine that Dog at an Animal Shelter, veterinary facility, or any other location as directed by the Medical Officer of Health or a Public Health Inspector.
- 6.3. An Owner of an Animal which is suffering from a communicable disease shall:
 - 6.3.1. not permit the Animal to be in any public place; and
 - 6.3.2. not keep the Animal in contact with or in proximity to any other Animal.
- 6.4. An Owner who fails to comply with any provision in this Part is guilty of an offence.

7. Powers of an Animal Control Officer

- 7.1. An Animal Control Officer is authorized to capture and impound any Animal which is at large.
- 7.2. If any Animal is injured, the Animal Control Officer may, without liability to, or recourse from the Owner, and in the sole and absolute discretion of the Animal Control Officer, take the Animal to a Veterinarian for treatment and then to the designated Animal Shelter, the costs of which will be borne by the Owner.
- 7.3. The Animal Control Officer shall not be held liable for the injury or death of an Animal.
- 7.4. An Impounded Animal may be kept in the Animal Shelter for a period of 72 hours. During this period, any Animal may be claimed by its Owner, except as otherwise provided in the Bylaw, upon payment of:
 - 7.4.1. The impoundment fee as set out in Schedule "A"
 - 7.4.1.1. The Owner will be responsible for any impoundment fees including those that may accrue on Saturdays, Sundays and or/ Statutory holidays.
 - 7.4.2. Any penalties as identified in Schedule "B".
 - 7.4.3. The License Fee if applicable; and
 - 7.4.4. The cost of any Veterinary treatment incurred in relation to the Animal.
- 7.5. If an Owner is to claim an Animal from the Animal Shelter, all applicable fees must be paid at the Village Office prior to claiming the animal.
- 7.6. At the expiration of the 72 hour period, as described in section 7.4 herein, the Village is authorized to:
 - 7.6.1. Surrender the Animal to a licensed adoption facility;
 - 7.6.2. Allow the Animal to be redeemed by its Owner in accordance with the provisions of Section 7.4 herein;
 - 7.6.3. Continue to impound the Animal for an indefinite period, if in their opinion, the circumstances warrant the expense; or
 - 7.6.4. Destroy the Animal in a humane manner.
- 7.7. As per the Animal Protection Act:
 - 7.7.1. Notwithstanding section 7.6 where an Animal that has been impounded that in the opinion of the Animal Control Officer appears to be a purebred animal or it if bears on obvious identification device,

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tattoo, brand, mark, tag or license, the applicable time limit under Section 7.6 will be 10 days after the date on which the animal was delivered.

8. Penalties:

- 8.1. Any person who contravenes any provision of the Bylaw is guilty of an offence and is liable to a penalty as set out in Schedule "B" of this Bylaw.
- 8.2. Notwithstanding Section 8.1 of this Bylaw, any person who commits a second or subsequent offence under this Bylaw within one 12 month period, the minimum penalty payable in respect of the second or third contravention is double the amount shown in Schedule "B" of this Bylaw in respect of that provision.
- 8.3. In addition to the penalty provided for under Schedule "B", the Court may order the person to comply with this Bylaw pursuant to the Municipal Government Act.

9. Should any provision of the Bylaw be invalid, then such invalid provision may be severed and the remaining shall be maintained.

10. Bylaw 604-21 is hereby repealed

11. This Bylaw shall take force and effect upon the date of the third and final reading.

READ a first time in Council this 8th day of March, 2022

READ a second time in Council this 8th day of March, 2022.


Hazel Reintjes

Hazel Reintjes, Mayor

Leanne Walmsley

Leanne Walmsley, Chief Administrative Officer

READ a third time in Council and finally passed this 22 day of March, 2022.

SIGNED this 22 day of March, 2022.


Hazel Reintjes

Hazel Reintjes, Mayor

Leanne Walmsley

Leanne Walmsley, Chief Administrative Officer

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Animal (over the age of 3 months)	Annual Fee	
	January 1 st -31 st or New Resident or New Animal	Feb 1 st -Dec 31 st
Dog Licenses:		
Male or Female Unaltered Animal	\$10.00	\$20.00
Spayed or Neutered Animal	\$5.00	\$10.00

Animal Fancier License		
Male or Female Unaltered Animal	\$250.00	\$400.00
Spayed or Neutered Animal	\$200.00	\$350.00
Service Animal	Fee Exempt	Fee Exempt

Replacement Tag	\$5.00
Impound Fees (per day or portion thereof)	\$75.00/day
Aggressive Dog Capturing Fee	\$300.00/dog
Veterinary Fees	As Incurred

Schedule "B"

Section	Description	Penalty
3.6.	Owner of an unlicensed Animal	\$100.00
4.1.	Owner of an Animal at Large (a) Unlicensed Animal (b) Licensed Animal	\$150.00 \$125.00
4.2.	Owner of an Animal which barks or howls or makes another noise thereby disturbing the quiet of any person	\$100.00
4.3.	Owner of an Animal which causes damage to property	\$100.00
4.4.	Owner of an Animal which is present in an area where the presence of Animals is prohibited by sign	\$100.00
4.5.1.	Owner of an Animal which bites, attacks, threatens, harasses, barks at, chases or injures any person	\$200.00
4.5.2.	Owner of an Animal which bites, attacks, threatens, harasses, barks at, chases or injures animals belonging to other persons	\$200.00
4.6.	Failure of Owner to remove defecation immediately from property which is not the Owners property	\$50.00
4.7.	Failure of Owner to keep female in heat confined	\$75.00
4.8.	Teasing, tormenting, annoying abusing or injuring any Animal	\$75.00
4.9.	Untying, loosening or otherwise freeing an Animal without the Owner's authorization	\$50.00
4.10.	Interfering with, impeding or hindering an Animal Control Officer's enforcement of this Bylaw	\$350.00
5.2.	Dangerous Dog Registration Fee	\$500.00
5.3.3.	Owner of a Dangerous Dog which attacks, bites, or harms any person or animal	\$2000.00
	Any other offence not specifically listed in this schedule.	\$200.00
8.2.	Second and subsequent offences within one year of the first offence will be double the amount of the specified penalty for a first offence.	

SR