

TOWN OF MILK RIVER
IN THE PROVINCE OF ALBERTA
BYLAW NO. 971

BEING A BY-LAW OF THE TOWN OF MILK RIVER, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE LICENSING, REGULATING THE CONTROL OF ANIMALS, DOMESTIC OR WILD, WITHIN THE TOWN OF MILK RIVER LIMITS.

WHEREAS Section 7 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000, as amended, provides for the passing of by-laws to regulate and control animals, wild or domestic, livestock and poultry, within the municipality.

NOW THEREFORE, the Municipal council of the TOWN OF MILK RIVER, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. **That this by-law may be cited as the control animals, wild or domestic, livestock and poultry By-law.**
2. **In this by-law, unless the context otherwise requires:**
 - I. By-law Enforcement Officer- means a person appointed by the TOWN OF MILK RIVER to carry out the provisions of this by-law and anyone acting or authorized by the by-law control officer to act on his behalf.
 - II. Day- means a continuous period of 24 hours.
 - III. Dog-means either a male or female dog
 - IV. Dog Fancier's License- means a dog license issued annually to an owner permitting the keeping or harboring, on land or premises occupied by the owner, of up to six (6) licensed dogs over the age of (3) months
 - V. Domestic Animal-means and includes any dog, cat or any animal reclaimed from a wild state and adapted to live with man, not including "livestock" and "poultry" as defined herein
 - VI. Former Owner-means a person, who at the time of impoundment, was the owner of an animal which has subsequently been sold or destroyed.
 - VII. Kenel-means a dwelling, shelter, room or place so considered, housing or keeping four (4) or more dogs over the age of one (1) month
 - VIII. Livestock-means horses, cattle, sheep, swine, donkeys, goats, rabbits, and fur bearing animals raised in captivity.
 - IX. Pit Bull-means any dog, whatever its age of the following breeds or kinds: Pit Bull Terrier; American Pit Bull Terrier; Pit Bull; Staffordshire Bull Terrier; or any dog of mixed breeding, which can be identified through its physical characteristics as a dog partially of the previous mentioned breeds or kinds, by a veterinarian licensed to practice in Alberta.
 - X. Poultry-means chicken, turkey, geese, pigeons, ducks, and ornamental birds
 - XI. Pound-means a place the TOWN Council shall provide or designate for the confinement of animals impounded.
 - XII. Running at Large-means an animal, or animals, which are not under the control of a person responsible and is, or are, actually upon property in respect of which the owner of the animal or animals, does not have the right of occupation, or upon any highway
 - XIII. Town-means the Municipal Corporation of the TOWN OF MILK RIVER in the Province of Alberta
 - XIV. Vicious Dog-is any dog with a propensity, tendency or disposition to attack or injure, without provocation, other animals or humans, which attacks, bites or injures without provocation any human or animals or which represents a continuing threat of serious harm to persons or animals
 - XV. Wildlife-manes big game, game birds, birds of prey, fur bearing carnivores and any other species of vertebrates designated wildlife by the Wildlife Act and the regulations passed pursuant thereto.
3. **Responsibilities of Animal Owners** The owner of an animal shall:
 - I. Ensure that the animal is not running at large and
 - II. Shall be deemed to have failed or refused to comply with the requirements of the previous sub-section unless he/she proves, to the satisfaction of the Court trying the case that he had taken all reasonable precautions either
 - i) to secure the animal so that it would not be able to leave the premises of the owner, or
 - ii) to ensure that the animal is on a leash, adequate to restrain it, at all times that it is off the owners premises.

4. **Nuisance** The owner of an animal shall ensure that such animal shall not become a nuisance by:
- I. Biting or chasing a person or persons whether on the property of the owner or not
 - II. Biting, barking at, or chasing livestock, bicycles, automobiles, or other vehicles,
 - III. Barking, howling or otherwise disturbing any neighbors.
 - IV. Causing damage to property or other animals
 - V. The owner of a female dog which is in **heat** shall keep the dog housed and confined.
 - VI. An owner whose animal **defecates** on property other than his/her own shall remove forthwith, any defecated matter deposited
 - VII. Any owner of an animal which is found upsetting **waste receptacles** or scattering the contents thereof, either in or about a street, lane or other public property or in or about premises not belonging to or in the possession of the owner of the animal, is guilty of an offense provided in Section 3(1) and upon conviction thereof, in addition to any penalty imposed upon him/her, be civilly liable to the TOWN of any expense directly or indirectly incurred by it in connection with the receptacle being upset or the waste scattered.

5. **Licensing**

- I. The owner of a dog and / or cat shall obtain an annual license for each dog and cat, and pay therefore, an annual fee as prescribed in Schedule "A" of this By-Law.
- II. Notwithstanding Subsection 5(1), the licensing provisions of the by-law where a person is blind or whose vision is impaired, is the owner of a dog, trained and used as a guide dog, there shall be no fee payable to the owner for a license under this by-law
- III. Obtain an animal license for each animal on or before January 31ST of each year.
- IV. Subject to the provisions of 5(6), obtain a license for it on the first day when the TOWN Office is open for business after the animal reaches 6 months of age.
- V. Shall obtain the license for an animal on the first day on which the TOWN office is open for business after he becomes the owner of the animal
- VI. Shall obtain a license for a dog notwithstanding that it is under the age of six months where the dog is found running at large.
- VII. The owner of a dog shall ensure that his/her dog wears a collar and current license.
- VIII. Upon losing a dog license, an owner of a dog shall present the receipt for payment of a current year's license fee to the TOWN Office who will issue a new tag for \$3
- IX. No person shall be entitled to a refund under this by-law
- X. No license shall be transferrable from one animal to another animal
- XI. Where a license required pursuant to this Section has been paid by the tender of an uncertified cheque, the license is issued subject to the cheque being accepted and cashed by the bank without mention of this condition being made on the license, and is automatically revoked if the cheque is not accepted by the bank of which it is issued
- XII. The maximum number of dogs and/or cats in a single family dwelling or household shall be restricted to (3) over the age of three months except in the case where an owner is in receipt of a Dog Fancier License
- XIII. A Dog Fancier License shall be issued upon payment of the fee specified in Schedule "A" of this By-law. Each dog owner under a Dog Fancier's License shall be licensed pursuant to Section 5 of this by-law.
 - i. In order to apply for a Dog Fancier's License, the Owner must complete a Dog Fancier's License application in the form attached as Schedule "D" to this Bylaw and submit the completed application form, together with the applicable application fee, to the CAO or their designate.
 - ii. The Administrator may revoke the Dog Fancier's license upon receipt of bona fide complaints from two or more neighbors residing within 60 meters of the residence of the license.
 - iii. OR, if in his/her opinion there are just and reasonable grounds for the revocation or suspension of the license.
 - iv. Upon a license being revoked or suspended as hereinbefore provided, the Administrator shall notify the licensee thereof
 - a) By delivering a notice to him/her personally
 - b) Or by mailing a registered letter to his place of business or residence

- v. Appeal
 - 1. In every case where:
 - a) A request for a dog fanciers license has been refused
 - b) A dog fanciers license has been revoked or suspended, the person seeking the license may appeal to the TOWN Council
 - 2. An appeal from subsection 1 hereof shall be made by the applicant within thirty (30) days after such refusal, revocation or suspension.
 - 3. All appeals shall be made in writing addressed to the Municipal Administrator of the TOWN OF MILK RIVER, and shall be dated as of the date received by the Municipal Administrator
 - 4. TOWN Council after hearing the applicant may:
 - a) Direct a dog fanciers license to be issued or reinstated
 - b) Direct a dog fanciers license to be issued or reinstated with conditions
 - c) Refuse to grant a dog fanciers license
 - d) Uphold the revocation or suspension of a dog fanciers license, on grounds which appear just and reasonable.
- XIV. The TOWN office shall keep a record of the name and municipal address of the owner, the breed, color and sex of the dog and the number stamped on the tag issued to the owner.

6. Animal Control Operation – Authority

A By-Law Enforcement Officer, A constable or an Animal control Officer, or any person authorized by this by-law, may capture and impound any animal

- I. He believes or has reasonable grounds to believe an offence under this by-law is being or has been committed.
- II. Which is required to be impounded pursuant to the provisions of any statute of Canada or the Province of Alberta, or any regulation, made thereunder.
- III. A By-law enforcement officer, a constable or animal control officer of the TOWN or any person Authorized by this by-law to enforce the provisions contained herein, may enter onto the land surrounding any building in pursuit of any animal which has been observed running at large.
- IV. The TOWN Council shall establish such number of pounds and appoint such by-law enforcement officers as are necessary to provide reasonable facilities for the impounding of domestic animals running at large.

7. Animal Control Operations – Kennels

- I. A kennel shall not be permitted on residential property unless the kennel is located not less than 100 feet from any other person's property and
- II. Further provided that if written complaints are received at the TOWN Office, or damage is proven as a result of the kennel, Council may direct that the person operating the kennel move or cease to operate same.

8. Obstructions

No person, whether or not he/she is the owner of an animal which is being or has been pursued or captured, shall:

- I. Interfere with or attempt to obstruct a By-law Enforcement Officer, or Constable or An animal control Officer who is attempting to capture or who has captured an animal which is subject to being impounded pursuant to the provisions of this by-law.
- II. Persuade the animal to enter a house or other place where it may be safe from capture or otherwise assist the animal to escape capture.
- III. Falsely represent himself as being in charge or control of an animal so as to establish that the animal is not running at large, or
- IV. Unlock or unlatch or otherwise open the pound van or vehicle in which animals are kept for impoundment have been placed so as to allow or attempt to allow any animal to escape therefrom.

9. Negligence

No person, shall

- I. Untie, loosen or otherwise free an animal which has been tied or otherwise restrained, or
- II. Negligently or willfully open a gate, door or other opening in a fence or enclosure in which an animal has been confined and thereby allow an animal to run at large within the TOWN.

10. No person other than a law enforcement officer, shall own, keep, maintain or harbor a domestic animal of known vicious propensity.

- I. The breed of dog commonly known as "Pit-Bull" is specifically prohibited in the municipality. No person shall keep, maintain, or harbor a "Pit-Bull" dog or dogs.

11. Torment

No person shall tease, torment or annoy an animal

12. Reclaiming an Animal

- I. The owner of any impounded animal may reclaim the animal from the pound by paying to the TOWN OF MILK RIVER the fees as prescribed in Schedule "B" of this By-Law and by obtaining the license for such animal should a license be required under this by-law.
- II. If at the expiration of a seventy-two (72) hour period from the time a domestic animal was first impounded it has not been redeemed, it may be sold or destroyed.
- III. For the purpose of calculating the seventy-two (72) hour period of impoundment of a domestic animal, the date of impoundment included, but Saturdays, Sundays and holidays shall be excluded.
- IV. The purchase of a domestic animal from the 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 to the domestic animal shall cease thereupon.
- V. Impounded domestic animals shall be sold by the TOWN OF MILK RIVER at a price of no less than charges and costs levied against the domestic animal
- VI. Disposal of all domestic animals as required by this by-law shall be done through euthanasia Performed by a veterinarian

13. No person shall have or keep a wildlife animal or bird alive within the TOWN OF MILK RIVER

14. No person shall keep livestock, poultry or bees, other than one pet rabbit per household within the TOWN OF MILK RIVER, unless the location on which such livestock, poultry or bees are kept falls within one of the following classifications:

- I. Those areas of the TOWN OF MILK RIVER which would be classified as farms in compliance with the requirements of the Land Use By-Law
- II. Those locations in the TOWN OF MILK RIVER for which development approvals has been granted pursuant to the requirement of the Land Use By-Law and those locations in which an existing use does not conform to the Land Use By-Law continues legally, where the permitted or legal non-conforming involves a farm, a packing plant, a livestock auction market, or a similar operation

15. No person while raising livestock or poultry shall create, establish or maintain:

- I. Any stable, byre or other building in which birds or animals are kept in a such a manner or in numbers as to be injurious or dangerous to health or which may hinder in any manner the prevention or suppression of disease.
- II. Any accumulation or deposit of refuse, wherever situated, which is injurious to health or which may hinder in any manner the prevention or suppression of disease.
- III. Any deposit or offensive matter, refuse, offal or manure contained in uncovered vehicles at any Station or siding or elsewhere so as to be injurious to health, or which may hinder in any Manner the prevention or suppression of disease.
- IV. Any accumulation of refuse wherever situated, for so long a period as to provide a breeding place for flies or creation of odors.

16. All livestock or poultry, while not under the direct control of a person shall be placed in a fenced or other secure area which will prevent the free roaming of such livestock or poultry.

17. Penalties – Voluntary Payment Tickets

- I. Where a By-Law Enforcement Officer, a Constable or an Animal Control Officer of the TOWN, or any person authorized by this by-law, believes that a person has contravened any provisions of this by-law, he/she may serve upon such person a ticket as provided in this section either personally by mailing, or by leaving the same at his last known address and such service shall be adequate for the purpose of this by-law.
- II. A ticket shall be in such form as determined by the TOWN Council and shall state the section of this by-law which was contravened and the amount payable according to SCHEDULE "C" of this by-law, or to section 12 (l) above, whichever applies, in the form accepted by the TOWN OF MILK RIVER in lieu of prosecution.
- III. Upon presentation of a ticket, issued pursuant to this section, within ten (10) days from the date of issue thereof, together with the payment to the TOWN OF MILK RIVER of the fee as provided on the ticket, the person to whom the ticket was issued shall not be liable for prosecution for the contravention in respect of which the ticket was issued.
- IV. Nothing in this section shall:
 - a) Prevent any person from exercising his right to defend any charge of committing a breach of the provisions of Sections 3, 4, 5, 8 and 10.
 - b) Prevent any person from laying an information and complaint against any other person for committing a breach of any of the provision of Sections 3, 4, 5, 8 and 10 of this by-law
 - c) Prevent any Peace Officer or By-Law Enforcement Officer appointed specifically to enforce the provisions of Sections 3, 4, 5, 8, and 10 of this by-law.
- V. Where any person has made a payment to the provisions of this section and is prosecuted for the offence in respect of which such payment has been made, such payment shall be refunded.

18. Summary Conviction

A person who contravenes a provision of this by-law doing something which he/she is prohibited from doing, or by failing to do something which he/she is required to do, or by doing something in a manner different from which he is required or permitted to do by this by-law, is guilty of an offence and liable, upon summary conviction, to fines set out in regulations passed pursuant hereto.

19. It is the intention of the TOWN Council that **each separate provision of this by-law shall be deemed independent** of all other provisions herein and it is further the intention of the TOWN Council that if any provisions of this by-law be declared invalid, all other provisions thereof shall remain valid and enforceable.

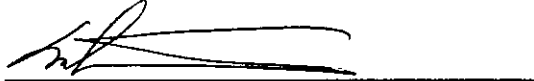
20. By-Law Numbers 771, 798, and 810 are hereby rescinded.

21. This by-law shall come into effect upon the date of the final reading thereof.

Read a first time this 14 day of January, A.D. 2013

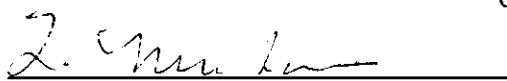


Mayor – Terry Michaelis

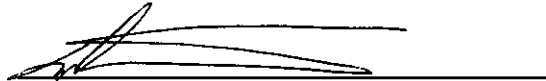


Chief Administrative Officer – Mario Berthiaume

Read a second time this 14 day of January, A.D. 2013

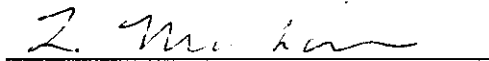


Mayor – Terry Michaelis

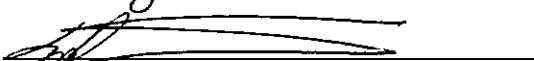


Chief Administrative Officer – Mario Berthiaume

Read a third time and finally passed this 14 day of January, A.D. 2013



Mayor – Terry Michaelis



Chief Administrative Officer – Mario Berthiaume

SCHEDULE "A"
By-Law 971
LICENSE FEES

		<u>CATS</u>	<u>DOGS</u>
FEMALE:	UNSPAYED	\$5.00	\$20.00
	SPAYED	\$5.00	\$10.00
MALE:	UNSPAYED	\$5.00	\$20.00
	SPAYED	\$5.00	\$10.00

DOG FANCIERS LICENSE: \$40

SCHEDULE "B"
RECLAIMING AN ANIMAL

The owner of any impounded animal may reclaim the animal from the pound by paying to the TOWN OF MILK RIVER the fees as prescribed as follows; and by obtaining the license for such animal should a license be required under this by-law.

1st occurrence - \$50 + \$5 per day for handling, food and water

2nd occurrence- \$100 + \$5 per day for handling, food and water

3rd and subsequent occurrences- \$150 + \$5 per day for handling, food and water

SCHEDULE C

BY-LAW NUMBER 971

ANIMAL CONTROL TICKET

THIS TICKET IS ISSUED FOR BREACH OF SECTION(S) _____ OF
THE TOWN OF MILK RIVER BY-LAW NUMBER 971

SECTION 10

PENALTY _____ \$500 (FIVE HUNDRED) FOR FIRST OFFENCE
_____ \$1000 (ONE THOUSAND) FOR SECOND OFFENCE
_____ \$1250 (ONE THOUSAND FIFTY) FOR 3RD AND SUBSEQUENT OFFENCE

SECTION 12(I)

PENALTY _____ \$50 (FIFTY) FOR FIRST OFFENCE
_____ \$100 (ONE HUNDRED) FOR SECOND OFFENCE
_____ \$150 (ONE HUNDRED AND FIFTY) FOR 3RD AND SUBSEQUENT OFFENCE

ALL OTHER SECTIONS

PENALTY _____ \$20 (TWENTY) FOR FIRST OFFENCE
_____ \$25 (TWENTY FIVE) FOR SECOND OFFENCE
_____ \$30 (THIRTY) FOR THIRD AND SUBSEQUENT OFFENCES

UPON PRESENTATION OF THE ANIMAL CONTROL TICKET WITH IN TEN (10) DAYS FROM THE DATE OF SERVICE OF THE ANIMAL CONTROL TICKET, TOGETHER WITH VOLUNTARY PAYMENT OF THE PENALTY INDICATED, PROSECUTION WILL BE WAIVED.

FAILURE TO DO SO – WILL RESULT IN PROSECUTION

PAYMENT TO BE MADE TO: THE TOWN OF MILK RIVER
PO BOX 270
TOWN OF MILK RIVER, AB T0K 1M0

NAME: _____

ADDRESS: _____

DATE OF SERVICE OF TICKET: _____

OFFENCE: _____

LOCATION OF OFFENCE: _____

TIME OF OFFENCE: _____

DESCRIPTION OF ANIMAL: _____

MALE _____

FEMALE _____

ANIMAL IMPOUNDED: YES _____ NO _____

TICKET ISSUED BY: _____

RECEIPT NUMBER _____

**SCHEDULE D
BY-LAW NUMBER 971
DOG FANCIER'S LICENSE APPLICATION FORM**

Proposed License Holder's name(s): _____

Property address: _____

Legal Description: Lot or Unit: _____ Block: _____ Plan: _____

1. This application is limited to the following Dogs:

Breed Tattoo or Microchip Registration Number

(where applicable) (where applicable)

1.

2.

3.

4.

* A copy of the any applicable registration papers for the Dogs must accompany the Application.

2. The Dogs will be housed in the following manner (ie. are the Dogs going to be kept in the house or another building on the property, what access to the outside will the Dogs have, how much time will the Dogs spend outside every day):

3. The following provisions will be undertaken to minimize and control any noise caused by the Dogs:

4. The following provisions will be undertaken to remove all waste caused by the Dogs:

Other Conditions:

I certify that:

- a) I am 18 years of age or older,
- b) I own or rent the Property where the Dogs will be kept,
- c) I am the proposed License Holder,
- d) I am the Owner of the listed Dogs, and
- e) All the information in this Application is true.

Dated this _____ day of _____, 20__.

[Applicant's Signature]

[Applicant's printed Name]