



Village of Hay Lakes

BYLAW NUMBER 03-2023

Animal Control Bylaw

BEING A BYLAW OF THE VILLAGE OF HAY LAKES TO REGULATE THE KEEPING OF ANIMALS
WITHIN ITS CORPORATE LIMITS.

WHEREAS, the Council of the Village of Hay Lakes supports responsible pet ownership within the Village and will support and enforce that all Owners that are caring for and controlling their Animals within the Village.

WHEREAS, section 7 (h) of the Municipal Government Act, RSA 2000, c M-26, as amended, authorizes municipalities to pass bylaws for municipal purposes respecting wild and domestic animals and activities in relation to them;

WHEREAS, Council considers it advisable to pass a bylaw to regulate and control Animals and activities in relation to them in the Village of Hay Lakes.

NOW THEREFORE, the Council of the Village of Hay Lakes in the Province of Alberta, enacts as follows:

SECTION 1 – SHORT TITLE – This Bylaw may be cited as the Village of Hay Lakes “Animal Control Bylaw”.

SECTION 2 – DEFINITIONS

- a) “Animal” means any mammal excluding humans, or any bird, reptile, or amphibian.
- b) “Animal Control Officer” means any individual(s) designated and appointed from time to time by the Village of Hay Lakes for the purpose of administration and enforcement of this bylaw and includes a Peace Officer.
- c) “Animal Shelter” means a premise designated by the Municipality for the impoundment and care of animals and includes premises supplied by an independent contractor under contract with the Municipality to provide such premises.

- d) "At Large" means where an Animal, namely a Dog, is found on public property or at a property other than the Owner's property and the Animal is not properly restrained.
- e) "Cat" includes a male cat, a neutered male cat, a female cat and a spayed female cat.
- f) "Chief Administrative Officer (CAO)" means the Chief Administrative Officer as appointed by the Council of the Municipality
- g) "Controlled Confinement" means the confinement of a dog in a pen, cage, or building or securely tethered in a manner that will not allow the dog to bite, harm or harass any person or animal.
- h) "Council" means the council for the Village of Hay Lakes
- i) "Damage to Property" means damage to property other than the Owner's property and includes defecating.
- j) "Dog" includes a male dog, a neutered male dog, a female dog and a spayed female dog.
- k) "Dog Fancier" means a license issued by the municipality in accordance with the provisions of Section 5 of this bylaw;
- l) "Dog Show" means any event for the purpose of showing or exhibiting Dogs which is sanctioned or recognized by the Canadian Kennel Club or the municipality.
- m) "Entrance" means any access to Property of the Owner by which persons or vehicles may enter onto the Property of the Owner.
- n) "Health Authority" means the regional health authority established by the minister of Health Service to the municipality.
- o) "Land Use Bylaw" means the Villages Land Use Bylaw 404-08 and any amendments thereto.
- p) "License" means a Dog License issued by the municipality in accordance to the provisions of this Bylaw.
- q) "License Fee" means the applicable fee payable in respect to a particular Dog as set out in Schedule "A" of this Bylaw
- r) "License Tag" means an identification tag issued by the Village showing the License number for a specific Dog.
- s) "Livestock" means:
 - i. A horse, mule, ass, swine, emu, ostrich, camel, llama, alpaca, sheep or goat;
 - ii. Domesticated reared or kept deer, reindeer, moose, elk or bison;
 - iii. Farm bred fur bearing animal(s) including foxes or mink;
 - iv. Animals of the bovine species;
 - v. Animals of the avian species including chickens, turkey, ducks, geese, or pheasants; and

- vi. All other animals that are kept for agricultural purposes, but does not include cats, dogs, urban chickens, or other domesticated household pet other than domesticated pigs.
- t) "Muzzle" means a device of sufficient strength placed over an Animal's mouth to prevent it from biting.
- u) "Owner" means:
 - i. a person who has the care, charge, custody, possession, or control of a Dog;
 - ii. a person who owns or who claims and proprietary interest in a Dog;
 - iii. a person who harbors, suffers, or permits a Dog to be present on any property owned, occupied, or leased by him or which is otherwise under this control;
 - iv. a person who claims and receives a Dog from the custody of the Animal Shelter or an Animal Control Officer;
 - v. a person to whom a License Tag was issued for a Dog in accordance with the Bylaw; or
 - vi. a person who operates an Animal Adoption Program and who has care, charge, custody, possession, or control of an Animal(s)
 - v) "Owners Property" means any property in which the Owner of a Dog has a legal or equitable interest or over which the Owner of a Dog has been given the control or use of, by the legal or equitable Owner of the property, and which property shall include, without limiting the generality of the foregoing, land, buildings, and vehicles.
- w) "Permitted Leash" means a leash adequate to control the Dog to which it is attached, and which leash shall not exceed three (3) meters in length.
- x) "Properly Restrained" means the Dog is:
 - i. being carried by a person capable of restraining the size and strength of the dog;
 - ii. being confined in a kennel or like container, properly latched or locked; or
 - iii. being restrained by a person capable of restraining the size and strength of the Dog by means of a permitted leash attached to a choke chain, collar or harness attached to the Dog.
- y) "Peace Officer" means:
 - i. a Community Peace Officer as appointed by the Solicitor General of Alberta,
 - ii. a Bylaw Enforcement Officer as appointed by the Village of Hay Lakes to enforce bylaws of the Village, or
 - iii. a member of the Royal Canadian Mounted Police.

- z) "Permitted Property" means private property upon which the Owner (A) of a Dog has the express permission of the Owner of that property to allow the Owners (A) Dog to be at large, thereon.
- aa) "Secure Enclosure" means a building, cage or fenced area of such construction which will not allow a confined Dog(s) to escape from that enclosure.
- bb) "Serious Wound" means an injury to a human or an Animal resulting from the action of a Dog that causes the skin to be broken or flesh to be torn and where requiring immediate medical assistance.
- cc) "Urban Chicken" means a domesticated female chicken of any age or a male chicken that will not live past the age of 6 months;
- dd) "Vehicle" has the same meaning as defined in the *Traffic Safety Act*, RSA 2000.
- ee) "Vicious Dog" means any Dog, whatever its age, whether on public or private property, which has;
 - i. chased, injured, or bitten any other animal or human; or
 - ii. damaged or destroyed any public or private property; or
 - iii. threatened or created the reasonable apprehension of a threat to a human; and
 - iv. which, in the opinion of a Justice, presents a threat of serious harm to other animals or humans.
- ff) "Village" means the Village of Hay Lakes and its corporate boundaries.
- gg) "Violation Ticket" means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act*, RSA 2000, c. P-21.5, as amended and Regulations there under.
- hh) "Violation Tag" means a notice or tag in a form as approved by the CAO, issued by the Municipality allowing a voluntary payment option of a fine established under this Bylaw;
- ii) "Wildlife means wildlife as defined by the *Wildlife Act*, R.S.A. 2000, W-10, as amended.

SECTION 3 – INTERPRETATION

- 3.1. The provisions of this bylaw shall apply to any Animal, as specified by this bylaw.
- 3.2. In the event of any proceedings under this bylaw, whether it is the impounding of any Animal or the commencement of any proceedings by way of summons, the burden of establishing Ownership and whether any Animal is under the control of a competent person shall be upon the Owner.
- 3.3. The Owner of an Animal is guilty of an offence if the Owner fails to comply with any of the provisions of this bylaw and is subject to the penalty as specified in Schedule "B" of this bylaw.

SECTION 4 – SPECIFIC PROHIBITIONS

- 4.1. No person will have possession of or keep living wildlife within the Village of Hay Lakes.
- 4.2. No person will have possession of or keep any of the following within the Village of Hay Lakes unless they have received specific authorization from Council (prior to acquisition).
- a) livestock, other than a maximum of three (3) pet rabbits per household kept within the home;
 - b) pot-bellied pigs;
 - c) poultry or fowl;
 - d) bees;
 - e) more than three (3) snakes over one (1) meter in length;
 - f) no person shall own or house a venomous snake within the Village of Hay Lakes;
 - g) a person owning and housing a constrictor snake will be responsible to notify the Village Office if this snake escapes or disappears;
 - h) more than ten (10) snakes under one meter;
 - i) species deemed to be dangerous or infectious by a medical officer of health or veterinarian; and
 - j) exotic animals, reptiles/amphibians. veterinary clinics or animal hospitals; exhibition grounds; or those areas of the Village which are classified as agricultural in compliance with the *Land Use Bylaw*;
 - k) any animal that is prohibited by this bylaw but that the owner has obtained before the enactment of this bylaw, said Animal will be 'grandfathered' in. Meaning the said owner may keep the animal by informing the office wherein the Animal Control Officer will attend the residence to take a picture of the prohibited animal, ensure its containment is in accordance with this bylaw. It is understood that once this animal has died; been sold or adopted out of the Village of Hay Lakes it will not be replaced by another prohibited species, and the Owner will inform the Office of the animals' departure;
 - l) if the owner of such an animal does not inform the Village within a six (6) month period of this Bylaw being enacted the Village Animal Control Officer will attend with the purpose of having the owner organising the removal of the animal from the Village.

SECTION 5 – LICENSING OF ANIMALS

Requirements of Licenses

- 5.1. Every resident of the Village of Hay Lakes who is the Owner of a dog shall annually purchase/renew a License from the Village for each dog owned as per Schedule “A” of this bylaw:
 - a) On or before March 31 of the current license year; or
 - b) Within thirty (30) days following the dog ~~or cat~~ having attained three (3) months of age; or
 - c) Within thirty (30) days after acquiring possession of the dog; or
 - d) Within thirty (30) days after establishing residence in the Village; whichever date is the latter.
- 5.2. A License shall be valid from January 1 to December 31 regardless of the actual date upon which the license was purchased.
- 5.3. Before the issuance or renewal of a license, the Owner must submit to the Village:
 - a) A completed written application in the form specified by the Village;
 - b) The license fee as established by Schedule “A” of this bylaw;
 - c) Proof of the dog being altered, if applicable; and
 - d) Any additional information required by the CAO or his/her delegate.
- 5.4. Where a license is required and has been paid for by the tender of an uncertified cheque, the license is automatically revoked if the cheque is not accepted by the bank on which it was issued.
- 5.5. A person that owns a dog that dies before March 31 can report to the Village and get a total refund for the licensing fee for the year bought.
- 5.6. Every owner named on a Village dog license shall be at least eighteen (18) years of age.
- 5.7. Any animal left in the care of a person for a period of thirty (30) consecutive days or more shall be deemed to belong to that person and that person shall be responsible for all provisions of this bylaw as the Owner of the Animal.
- 5.8. Any Owner of an Animal which is not licensed, and which is required to be licensed pursuant to the bylaw, is guilty of an offence.
- 5.9. Any person who provides a Village of Hay Lakes Animal Control Officer with false or misleading information with respect to the information required in accordance with this bylaw is guilty of an offence as per Schedule “C” of this bylaw.

Cats

- 5.10. Cats are not required to be licenced in the Village of Hay Lakes;
- 5.11. Although unlicensed the owner of a cat within Hay Lakes is required to:

- i. Not to let the cat run free within the Village;
- ii. Not allow the cat to defecate on any other persons property;
- iii. Allow the cat to make a disturbance to the peace and quiet of any resident of Hay Lakes; or
- iv. Cause distress to any resident.

Non-Resident Animals

5.12. Licensing provisions of this bylaw shall not apply to a Dog accompanying a person temporarily in the Village on business or vacation for a period:

- a) Not exceeding thirty (30) days; or
- b) Not exceeding ninety (90) days in a calendar year if the dog is licensed in another municipality; however, the owner must provide the Village with:
 - i. Satisfactory proof of licensing in another municipality; and
 - ii. Record of the dog's basic information, reason, place and length of stay;
- c) Not exceeding ninety (90) days in a calendar year if the dog permanently resides in another municipality that does not require licensing of dogs:
 - i. Satisfactory proof of non-licensing requirement in another municipality; and
 - ii. Record of the dog's basic information, reason, place, and length of stay. The CAO or his/her designate may authorize in writing an extended period.

Exemptions

5.13. Annual licensing fees shall be waived for the following:

- a) A Registered Guide Dog; and
- b) A Registered Service Dog.

All other provisions of this Bylaw shall still apply.

5.14. Animals in the Village for parades, gymkhanas, exhibitions, and rodeos duly authorized by the Village are not subject to the provisions of this Bylaw, provided, that in all instances such animals are under the direct care and supervision of competent persons.

5.15. The Bylaw does not apply to an RCMP Service Dog while in active service.

Number of Animals

5.16. No person shall keep, harbour, or have more than three (3) dogs or three (3) cats, a total of six (6) animals per dwelling unit.

5.17. Any person who owns, keeps or harbours more than three (3) dogs or three (3) cats, a total of six (6) animals over the age of three (3) months without obtaining the required

development permit and business license for a kennel in accordance with the Village's *Land Use Bylaw*, is guilty of an offence.

- 5.18. Notwithstanding Sections 5.14 and 5.15 any person who has more than three (3) dogs or three (3) cats, a total of six (6) animals with the dogs having been properly licensed in the Village of Hay Lakes in accordance with this bylaw may renew the licenses for said animals
- 5.19. Subject to the provisions of the *Land Use Bylaw*, Section 5.14 does not apply to a business licensed by the Village to provide kennelling, animal control or veterinary services.

License Tag

- 5.20. The Owner or any other person having care or control of a dog shall, always while it is off the property of the Owner, ensure the dog wears a collar and current license tag issued by the Village.
- 5.21. In case a dog license tag is lost or destroyed, the Owner shall contact the Village within ten (10) days and a replacement tag will be issued upon payment of the fee as specified in Schedule "B" of this Bylaw, provided records indicate such a payment was made.
- 5.22. License tags are not transferable from one Animal to another.

Revoking of a License

- 5.23. The CAO may revoke any license if:
- a) The Owner fails to comply with the conditions of the license;
 - b) The license was issued based on incorrect information, or misrepresentation by the applicants;
 - c) The Animal is deemed Vicious;
 - d) The license was issued in error;
 - e) The owner breaches a provision of this bylaw.

In case of a revocation of license, the Owner will be given reasons in writing. The revocation may be appealed through the same process as provided for in Part 11.2 to Part 11.4 of this bylaw.

Animal Services

- 5.24. No person shall breed Animals within the Village unless a business license for a kennel is obtained from the Village pursuant to the *Land Use Bylaw* and *Business License Bylaw*.
- 5.25. No person shall provide pet care services, as defined by the *Land Use Bylaw*, within the Village without an approved development permit pursuant to the *Land Use Bylaw* and a business license pursuant to the *Business License Bylaw*.

SECTION 6 – RESPONSIBILITY OF OWNERS

Running at Large

- 6.1. The Owner of the Animal shall:
- a) Ensure that the Animal is not running at large;
 - b) Ensure that the Animal, when not on the owner's property, is leashed and under the control of a competent person;
 - c) Ensure that when an Animal defecates on any public or private property other than the property of the owner, the feces shall immediately be removed and properly disposed of in a garbage receptacle.
- 6.2. The Owner of a female animal in heat shall keep the female housed or confined throughout the entire period unless the Animal is being walked on a leash.

Health of Animals

- 6.3 Owners shall provide their Animal with food in a vermin proof container, fresh water and adequate shelter, as per the *Animal Protection Act*, R.S.A. 2000, c. A-41, as amended.
- 6.4. No Owner shall keep, harbour, or have custody of any Animal over three (3) months of age, within the boundaries of the Village without having such Animal vaccinated for rabies.
- 6.5. The owner shall dispose of the pet feces on their property in a timely manner, before odours occur.
- 6.6. The owner of a deceased animal with remove said animal and dispose of in a humane manner immediately after death.

Communicable Diseases

- 6.7. An owner of an Animal with is suffering from a communicable disease as defined by Federal or Provincial authorities shall:
- a) Not permit the Animal to be in a public place;
 - b) Not keep the Animal in contact with or in proximity to any other Animal free of such disease;
 - c) Keep the animal secured within the owner's residence or tied up in the owner's yard; and
 - d) Immediately report the matter to the Animal Control Officer and a veterinarian.

Nuisance Behavior

- 6.8. The owner of an animal shall ensure that such animal shall not bark, howl, or otherwise make or cause a noise which disturbs any person(s);
- 6.9. Animal owners shall ensure that their animal shall not upset any waste receptacles or scatter the contents thereof either in or about a street, lane, or other public property or in a about premises not belonging to the owner of the animal.

Threatening Behaviour

- 6.10. Animal owners shall ensure that their animal shall not:
- a) Bite, bark, chase, or stock motor vehicles, bicycles, or skateboards.;
 - b) Chase or otherwise threaten a person(s), whether on the property of the owner or not, unless the person(s) chased or threatened is a trespasser on the property of the owner;
 - c) Cause damage to property or other animals, whether on the property of the owner or not;
 - d) Bite a person(s), whether on the property of the owner or not;
 - e) Attack a person(s), whether on the property of the owner or not;
 - f) Cause death to another animal.
- 6.11. No owner shall use or direct an animal to attack, chase, harass or threaten a person or animal.

Animals in Prohibited Areas

- 6.12. The owner of an animal shall ensure that such animal does not enter or remain in or on:
- a) A school ground, playground, sports field, wading or swimming area; or
 - b) Any other area where animals are prohibited by posted signs.

Abandon Animals

- 6.13. An animal shall be considered abandon when:
- a) The animal is left behind at a premise or in a neighbourhood after the owner has moved away; or
 - b) The animal, for whatever reason, is running at large and the owner has not made reasonable attempts to locate the animal;
 - c) The owner, for whatever reason cannot be located.

Animals in Motor Vehicles

- 6.14. Animals shall only be permitted to ride in the passenger cab of a motor vehicle regardless of whether the motor vehicle is moving or parked and/or on public or private property when:
- a) There is adequate ventilation and temperature control provided for the health and well-being of the animal; and
 - b) The animal is restricted and restrained to prevent the animal's escape from the vehicle, or its access to persons or animals in the vicinity of the vehicle.
- 6.15. A driver of a vehicle shall not permit any animal to occupy the front seat of the vehicle in such a manner to impede the driver in the free and uninterrupted access to and use of the steering wheel, brakes and other equipment required to be used for the safe operation of the vehicle.
- 6.16. A person may allow an animal to be outside of the passenger cab of a motor vehicle, including riding in the back of a pickup or flatbed truck if the animal is:
- a) In a fully enclosed trailer;
 - b) In a ventilated topper enclosing the bed area of a truck;

- c) Contained in a ventilated kennel or similar device securely fastened to the bed of the truck; or
- d) Securely tethered in such a manner that it is not standing on bare metal, cannot jump or be thrown from the vehicle, is not in danger of strangulation, and cannot reach beyond the outside edges of the vehicle.

Designated Areas and Parks

- 6.17. Council may designate a public area in which no animals are allowed and may post signs to this effect.
- 6.18. Council may designate any public area where an animal may be exercised while not restrained by a leash.
 - a) No owner of a vicious dog shall permit the dog to be in an off-leash area at any time;
 - b) The provisions of this bylaw apply, with all necessary modifications, to an off-leash area.
- 6.19. The owner of an animal shall carry a leash while with an animal in a designated off-leash area.
- 6.20. The owner of an animal shall pickup their animal feces in public areas and dispose of it in receptacles provided around the Village or in their own trash receptacles.
- 6.21. The owner of an animal is guilty of an offence if the animal is in an off-leash area and exhibits threatening behaviour toward any other animal or a person and the owner fails to secure and/or remove the animal immediately from the off-leash area.

Interference

- 6.22. No person other than the owner shall:
 - a) Untie or loosen an animal which is not in distress, as defined by the *Animal Protection Act* as amended; or
 - b) Willfully or negligently open a gate, door or other opening in a fence, pen or enclosure in which an animal has been confined.
- 6.23. No person shall abuse, tease, torment, harm or provoke an animal.

SECTION 7 – VICIOUS ANIMALS

Insurance

7.1. The Owner of a Vicious Animal shall have liability insurance specifically covering any damages from personal injury caused by the Vicious Animal of not less than three million dollars (\$3,000,000).

Signage

7.2. The Owner of a Vicious Animal shall;

- a) display signage at each entrance to the Owner's property and on the secure enclosure in which the Vicious Animal is confined;
- b) purchase signs, as specified in Schedule "C" of this bylaw, warning of the presence of a Vicious Animal on the Owner's property. Licensing Requirements for Vicious Animals.

7.3. The Owner of an Animal that has been declared a Vicious Animal pursuant to this bylaw shall submit the application for a Vicious Animal license from the Village immediately upon becoming the Owner of a Vicious Animal.

7.4. A Vicious Animal license shall be issued to the Owner of a Vicious Animal provided the Owner has:

- a) completed an application as specified by the Village; and
- b) paid the annual license fee for a Vicious Animal as specified in Schedule "A" of this bylaw
- c) supplied to the Village satisfactory proof that:
 - i. the Animal has been tattooed or implanted with an electronic identification microchip by a veterinarian;
 - ii. the Animal has a current vaccination for rabies;
 - iii. the Animal has been altered by a veterinarian;
 - iv. the Owner has a secure enclosure capable of preventing entry of any person except the Owner, and escape of the Animal, in accordance with Section 7.13 of this bylaw;
 - v. the Owner has a valid liability insurance policy as required by this bylaw;
 - vi. clear and visible signs have been posted on the Owner's property warning of the presence of a Vicious Animal, as required by this bylaw, as specified by Schedule 'D' of this Bylaw; and
 - vii. submitted any additional information as required by the CAO or Animal Control Officer in a timely manner.

7.5. Upon receipt of a written application to license a Vicious Animal, an Animal Control Officer is authorized to enter upon the property of the Owner to inspect any place where the Animal will be kept, including, but not limited to the secure enclosure, to ensure it meets the requirements of this bylaw.

- 7.6. No Owner of a Vicious Animal may own, keep or have more than one (1) Vicious Animal on the Premises at any time.

Declaration

- 7.7. An animal may be declared by an Animal Control Officer of the CAO to be a Vicious Animal pursuant to this bylaw and will be licensed as such by the Village and subject to special provisions of this bylaw pertaining to Vicious Animals.
- 7.8. The Owner of an Animal declared to be Vicious pursuant to this Declaration shall be served with a Notice setting out the reasons therefore, the responsibilities of an Owner of a Vicious Animal pursuant to this bylaw, and the process of an appeal available to the Owner.
- 7.9. Within two (2) business days after the end of the appeal period of an Animal being declared a Vicious Animal, the Owner must become compliant with this bylaw.

Responsibility of Owners of Vicious Animals

- 7.10. The Owner of a Vicious Animal shall:
- a) ensure that the Animal wears a current license tag issued by the Village securely always attached to a collar;
 - b) when selling or otherwise giving the Animal to a new Owner within the Village, fully inform the new Owner that the Animal has been declared a Vicious Animal by the Village;
 - c) notify the Village of the change in Ownership of the Animal or the death of the Animal within two (2) business days of the date of the change in Ownership or death.
- 7.11. When a Vicious Animal is on the Premises of the Owner, the Owner or any other person having care or control of a Vicious Animal, always, ensure that:
- a) the Animal is confined indoors, or
 - b) when the Animal is not confined indoors, it is confined in a locked, secure enclosure that complies with the provisions of Section 7.13.
- 7.12. The Owner of a Vicious Animal shall ensure the Animal does not:
- a) chase or otherwise threaten a person(s), whether on the property of the Owner or not, unless the person(s) chased or threatened is a trespasser on the property of the Owner;

- b) cause damage to property or other Animals, whether on the property of the Owner or not;
- c) bite a person(s), whether on the property of the Owner or not;
- d) attack a person(s), whether on the property of the Owner or not, causing severe physical injury; or
- e) cause death to another Animal.

Secure Enclosure

7.13. For the purposes of the bylaw, a secure enclosure shall:

- a) be of minimum dimensions of 1.5 metres by 3.0 metres, and 2.0 metres in height;
- b) have secure sides and a secure top, and if it has not bottom secured to the sides, the sides must be embedded into the ground to a minimum depth of 30 centimetres;
- c) not be located within 2.0 metres of the property line of the Owner or within 5.0 metres of a neighboring residential dwelling; and
- d) provide shelter from the elements.

Fencing

7.14. The Owner shall fence the yard of the property to a maximum height as per the *Land Use Bylaw*.

Vicious Animal off Owner's Property

7.15. At all times, when a Vicious Animal is off the property of the Owner, the Owner or any other person having care or control of the Vicious Animal, shall ensure that the Animal is:

- a) securely muzzled;
- b) secure in a harness or leash with shall not exceed 1.0 metre in length and is adequate to control the Animal;
- c) under the control of a competent person who is a least eighteen (18) years of age;
- d) not running at large.

7.16. If the animal is running at large, the Village must be notified immediately.

7.17. The Animal is prohibited from any off-leash area.

7.18. An Owner of a Vicious Animal who contravenes any provision of this bylaw is guilty of an offence and is subject to penalties applicable as provided for in Schedule 'B' of the bylaw.

- 7.19. The Owner of any Animal or Aggressive Dog must provide confirmation from a veterinarian that the Animal or Aggressive Dog has been spayed or neutered, if asked, to obtain a License.
- 7.20. There shall be no pro-rating on License fees.

SECTION 8 – ANIMAL CONTROL AUTHORITY

Seizure and Impounding

- 8.1. An Animal Control Officer may capture and impound any Animal;
- a) which has engaged in any activity that contravenes any provision of the bylaw;
 - b) which is required to be impounded pursuant to the provisions of any statute of Canada or the Province of Alberta, or any regulation thereunder.
- 8.2. An Animal Control Officer may enter any Property or Premises for the purpose of impounding and capturing an Animal pursuant to the bylaw.
- 8.3. An Animal Control Officer may use any humane method, including but not limited to, the use of capture devices or tranquilizer equipment to capture an Animal that is subject to impoundment pursuant to the bylaw.

Obstruction

- 8.4. Any person, whether the Owner, who withholds or provides false or misleading information with respect to Ownership of an Animal to an Animal Control Officer who is conducting the investigation with respect to an offence under this bylaw, is guilty of an offence as specified in Schedule 'B' of this bylaw.
- 8.5. Any person who willfully interferes with or obstructs an Animal Control Officer who is attempting to capture or impound an Animal or is in possession of an Animal captured or impounded pursuant to this bylaw, is guilty of an offence as specified by the Schedule 'B' of this bylaw.
- 8.6. Any person who springs or otherwise tampers with or damages a live trap in which Animals are to be trapped, or have been trapped, to allow any Animal to escape from the trap, is guilty of an offence as specified in Schedule 'B' of this bylaw.

Impounded Animals

- 8.7. An impounded Animal may be reclaimed by or on behalf of the Owner after payment is made to the Village during normal office hours of:
- a) any required Animal license fee;
 - b) other fees as set out in Schedule 'B' of this bylaw, relating to the Animal's capture, impoundment, care, and sustenance; and
 - c) the costs of any required veterinary services deemed necessary and provided.
- For the purposes of this section, "day" means any day of the week, including weekends and holidays, or any portion thereof, when calculating number of days for care and sustenance.
- 8.8. An impounded Animal will be retained for a maximum of three (3) days.
- 8.9. An Animal Control Officer may retain an Animal for a longer period than provided in Section 8.8 of this bylaw, if it is determined that circumstances warrant the extension. The decision to allow such an extension is at the discretion of the Animal Control Officer. All additional expenses are the responsibility of the Owner.
- 8.10. An impounded Animal that is not claimed within the applicable time period and in accordance with the provisions of this bylaw, may be disposed of under the authorization of an Animal Control Officer:
- a) selling or adopting out; or
 - b) euthanizing.
- 8.11. In the case of an Animal that is obviously in extreme distress due to injury, an Animal Control Officer may cause the Animal to be euthanized in a humane manner without consulting a veterinarian when such consultation cannot be done in a timely manner.
- 8.12. When an impounded Animal is disposed of in accordance with Section 8.10(a) of this bylaw, the Owner at the time it was impounded shall cease to have any right to the Animal and such right or title shall transfer to a person who has adopted the Animal.

Adoption

- 8.13. Any person(s) adopting an impounded Animal shall:
- a) complete an application in the form specified by the Animal Control Officer; and
 - b) pay the adoption fee as specified by the Animal Control Officer; and
 - c) comply with this bylaw if the Animal resides within the Village.

SECTION 9 – EXOTIC ANIMALS AND OTHER ANIMALS

- 9.1. No person shall keep or cause to be kept any snake, reptile, lizard, insect, or arachnid not otherwise prohibited by this bylaw unless housed in an escape-proof enclosure.

SECTION 10 – ENFORCEMENT PROCEDURES

Issuing of Tickets

- 10.1. Where an Animal Control Officer has reasonable grounds to believe that a person has contravened any provision of this bylaw, he may serve such person a violation ticket in accordance with Part 2 of the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34 as amended.
- 10.2. Notwithstanding Section 10.1, and Animal Control Officer may, in lieu of prosecution, issue to any person a municipal ticket in a form as approved by the CAO.
- 10.3. A person who has been issued a bylaw violation pursuant to this bylaw and who has paid the penalty in lieu of prosecution within the time specified shall not be liable for prosecution.
- 10.4. A municipal ticket shall be deemed to sufficiently served if:
- a. Served personally on the Owner of the Animal, or left at the Owner's residence;
or
 - b. Mailed to the address of the Owner of the Animal.

Continuing Offences

- 10.5. Penalties for a second and subsequent offence will be applicable, where those offences occur within one (1) year of the previous offence.
- 10.6. 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 day, on which the offence continues. 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 day.

Summary Convictions – Offences falling within the jurisdiction of the *Criminal Code of Canada*

- 10.7. Any person who contravenes any provision of this bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than \$5,000 and not less than \$100 and in default of payment is liable to imprisonment for a term not exceeding six (6) months.

10.8. Notwithstanding Section 10.10, the minimum fine on summary conviction with respect to this bylaw in relation to a Vicious Animal shall be \$750.00.

10.9. The specified penalty in respect of a contravention of a specific provision of this bylaw is the amount provided for in Schedule 'B' of this bylaw.

Additional Penalties

10.10. A Provincial Court Judge may, upon convicting the Owner of an Animal, in addition to penalties provided for in this bylaw:

- a) Direct of order the Owner of the to:
 - i. Take measures to stop the Animal from engaging in any activity that constitutes a contravention of this bylaw;
 - ii. Have the Animal removed from the Village;
 - iii. Have the Animal euthanized; or
 - iv. Be prohibited from owning any Animal for a specified period.
- b) Declare the Animal involved in a contravention resulting in the conviction to be a Vicious Animal pursuant to this bylaw.

Municipal Tickets and Violation Tickets

10.11. Where an Officer has reasonable grounds to believe that a person has contravened any provision of this Bylaw:

He or she may serve upon the person a Municipal Ticket allowing payment of the specified fine as set out in Schedule 'B' of this Bylaw, which payment will be accepted by the Town or the Contractor on behalf of the Town in lieu of the prosecution for the offence if paid within 21 days of the date of service; or

He or she may issue and serve a violation ticket in accordance with the *Provincial Offences Procedures 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.

10.12. An Officer may, but is not required to, issue a Municipal Ticket before issuing a violation ticket under the *Provincial Offences Procedures Act*.

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

SECTION 11 – NOTICES

11.1. For the purposes of this bylaw, a Notice will be deemed to have been sufficiently served when:

- a) Served personally upon the Owner of the Animal, or served upon any person who is 18 years of age or older who resides in the same residence as the Owner of the Animal;
- b) The Owner of the Animal, or any person who is 18 years of age or older who resides in the residence where the Animal is kept, is notified verbally by an Animal Control Officer, and a written Notice is sent by regular or registered mail or by electronic means to the Owner as soon as practicable thereafter; or
- c) The Notice is posted in a conspicuous location on the Premises of the Owner.

Appeal

11.2. A Notice issued pursuant to this bylaw may be appealed in writing to the CAO within seven (7) days of being served with a Notice.

11.3. A decision on an appeal made pursuant to Section 11.2 will be communicated to the appellant in writing within seven (7) days of receipt of the appeal.

11.4. Where a Notice has been served on the Owner of an Animal declared to be a Vicious Animal by an Animal Control Officer, the Animal throughout any appeal proceedings until a decision arising from an appeal proceeding until a decision arising from an appeal is rendered that the Animal is not a Vicious Animal.

SECTION 12 - GENERAL

12.1. Whenever the singular masculine gender is used in the bylaw, the same shall include the feminine and neutral gender whenever context requires.

12.2. No action or damages shall be taken against the Village or any person acting under the authority of this bylaw in respect of the impoundment, adoption, destruction, sale or disposal of any Animal dealt with pursuant to this bylaw.

12.3 All monies received for licensing of an Animal (dog) become part of the general revenue of the Village of Hay Lakes.

- 12.4 All monies regarding the impoundment fees, veterinary services, adoption of an animal become the property of the Bylaw Enforcement Officer for Old MacDonald Kennels when the animal (dog) is picked up from the kennels at Old MacDonald.
- 12.5. It is the intention of Council that all offences created pursuant to this bylaw be considered as being Strict Liability Offences.
- 12.6. It is the intention of Council that each section of this bylaw be considered as being separate and severable from all other sections. Should any section of this bylaw be found to have been improperly enacted, such section or part shall be regarded as being severable from the rest of this bylaw and that the bylaw remaining after such severance shall be fully and effective and enforceable.
- 12.7. Without restricting any other power, duty or function granted by this bylaw, the CAO may:
- a) Carry out whatever inspections are reasonably required to determine compliance with this bylaw;
 - b) Delegate any powers, duties, or functions under this bylaw to an employee of the Village; and
 - c) Create forms for the purpose of this bylaw.

SECTION 13 – REPEAL

- 13.1. The following bylaws are repealed upon enactment of this bylaw:
- a) Bylaw No. 03-2019 – Dog Control Bylaw is hereby repealed; and
 - b) Bylaw No. 05-2020 – Rates; Fees & Fines Bylaw – Schedule ‘C’: Part “A” and Part “B”

SECTION 14 – ENACTMENT

14.1. This bylaw shall come into force and effect upon the date of the passing of the third and final reading and signing thereof.

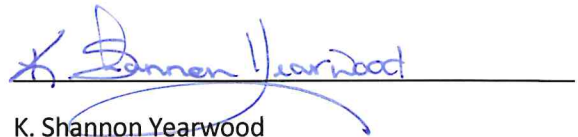
READ a first time this 23rd day of February, 2023.

READ a second time this 17th day of April, 2023.

READ a third time this 17th day of April, 2023.

A handwritten signature in blue ink, appearing to read "Ron These", written over a horizontal line.

Ron These, Mayor

A handwritten signature in blue ink, appearing to read "K. Shannon Yearwood", written over a horizontal line.

K. Shannon Yearwood
Chief Administrative Officer

This Bylaw shall be brought before Council on or before January 31, 2027 unless otherwise required or requested by Council.

SCHEDULE 'A'

HAY LAKES BYLAW ENFORCEMENT OFFICERS

PROVIDER	RESPONSIBILITY	CONTACT INFORMATION
Old MacDonald Kennels	Pick-up and transport of dog(s) to kennel; care and subsistence of dog; veterinary care if deemed required	Take Ponoka access on to HWY 53, go straight through Ponoka, we are located 17 kms East of Ponoka. Turn left (North) on Owens Road (AKA RR235). There is a sign on the North side of the HWY 53. Emergency Phone: 1-(403) 783-7447
Rural Bylaw	Dog Complaints (barking/running at large); all other animal infractions outlined in this bylaw	Wayne Nyback P.O. Box 1362 Station Main Camrose, Alberta T4V 1X3 780-679-7156 waynejnyback@yahoo.com

SCHEDULE 'B'

LICENSING FEES

DOG LICENSE	On or before March 31 st	After March 31st
Altered Dog (Spayed/Neutered)	\$30.00	\$50.00
Unaltered Dog (Intact)	\$50.00	\$70.00
Vicious Dog	\$250.00	\$300.00
Replacement Tags	\$10.00	\$10.00

IMPOUND FEES AND CHARGES

Description	Rate
Pick-up of Animal and transport to kennel	\$100.00
Care and Subsistence	As billed by provider
Veterinary Services	As incurred (if deemed required by Animal Bylaw Officer) as billed by provider.
Any other expenses incurred	(if deemed required by Animal Bylaw Officer) as billed by provider.

SCHEDULE 'C'

SPECIFIED PENALTIES

- Column A = specified penalties in lieu of prosecution – first offence;
- Column B = specified penalties for second/subsequent and/or violation tickets

<i>Section</i>	<i>Description of Offence</i>	<i>A</i>	<i>B</i>
Section 4	Specific Prohibitions		
4.1	Possession of wildlife	\$200	\$300
4.2	Possession of restricted/prohibited Animal	\$200	\$300
4.2(f)	Own or house a venomous snake within the Village of Hay Lakes	\$500	\$1,000
4.2(g)	Failure of a person owning and housing a constrictor snake to notify the Village Office is this snake escapes or disappears	\$200	\$300
Section 5	Licencing of Animals		
5.1	Failure to obtain an annual licence (after March 31 st)	\$75	\$100
5.9	Provides information to the Animal Control Officer that is proven to be false or misleading.	\$100	\$150
5.16	Keep or harbour more than 3 dogs; 3 cats or 6 animals	\$100	\$150
5.17	Failure to obtain a development permit and business licence for a kennel	\$200	\$250
5.20	Failure to have tag attached to collar when off property	\$50	\$75

5.24	No person shall breed animals without a kennel licence	\$300	\$400
5.25	No person shall provide pet care services without a permit or licence	\$100	\$150
Section 6	Responsibility of Owners		
	Running at Large		
6.1(a)	Failure to ensure animal is not running at large	\$100	\$150
6.1(b)	Failure to ensure that the animal, when not on owners' property, are properly leashed and under the control of a competent person	\$100	\$150
6.1(c)	Failure to remove, or dispose of properly, animal feces from public or private property	\$150	\$250
6.2	Failure to keep female animal in heat confined	\$150	\$250
	Health of Animals		
6.3	Failure to provide any animal with fresh food or water and adequate shelter	\$250	\$500
6.4	Failure to vaccinate animal over three (3) months old for rabies	\$150	\$250
6.5	Failure to dispose of animal feces on owners property within a reasonable time/before odor occurs	\$150	\$250
6.6	Failure to dispose of in a humane manner the body of a deceased animal immediately after death	\$150	\$250
	Communicable Diseases		
6.7(a)	Owner permits animal in public place	\$200	\$400

6.7(b)	Owner allows animal to be in proximity of animal free of disease	\$200	\$400
6.7(c)	Failure to keep animal secured	\$200	\$400
6.7(d)	Failure to report the disease as required	\$200	\$400
	Nuisance Behavior		
6.8	Cause an unreasonable disturbance	\$150	\$200
6.9	Cause garbage to be scattered on public/private property	\$150	\$200
	Threatening Behaviour		
6.10(a)	Bite, bark, chase, or stock motor vehicles, bicycles, or skateboards	\$250	\$300
6.10(b)	Chase or threaten a person, whether on the owner's property or not, unless the person chased or threatened is a trespasser on the owner's property	\$250	\$300
6.10(c)	Cause damage to property or other animals whether on the property of the owner or not	\$250	\$300
6.10(d)	Bite a person whether on the owner's property or not	\$250	\$500
6.10(e)	Attack a person whether on the owner's property or not	\$250	\$500
6.10(f)	Cause the death of another animal	COURT	COURT
6.11	Owner will not use or direct an animal to attack, chase, harass or threaten a person or animal		
	Animals in Prohibited Areas		
6.12(a)	Failure of owner to ensure that an animal does not enter or remain in a school	\$150	\$250

	playground, playground, sports field, wading or swimming pool		
6.12(b)	Be on property where prohibited by a sign	\$150	\$250
	Abandon Animals		
6.13(a)	Owner abandons animal by leaving the animal behind at a premise or in a neighbourhood after the owner has moved away	\$250	\$500
6.13(b)	Animal is running at large and the owner has not made reasonable attempts to find/locate and retrieve the animal	\$250	\$500
6.13(c)	The owner cannot be located	\$250	\$500
	Animals in Motor Vehicles		
6.14(a)	Leave an animal unattended in a vehicle without adequate ventilation and/or temperature control	\$200	\$400
6.14(b)	Failure to properly restrict or restrain the animal in a vehicle to prevent escape or access to other persons or animals	\$150	\$300
6.15	Allow an animal to occupy the front seat of a vehicle in such a manner to impede the driver from operating the vehicle in a safe manner	\$150	\$300
6.16	Allow the animal to be outside of the cab of a truck without being in a fully enclosed trailer; a ventilated topper enclosing the bed of the truck; in a ventilated kennel securely fastened to the bed of the truck; or securely tethered in such a manner that it is not	\$150	\$300

	standing on bare metal, cannot be thrown or jump from the vehicle, is not in danger of strangulation, and cannot reach beyond the outside edges of the vehicle		
	Designated Areas and Parks		
6.18(a)	Allow a Vicious Animal in a designated off-leash area	\$150	\$250
6.19	Failure to carry a leash while in a designated off-leash area	\$150	\$250
6.20	Failure to pick-up and dispose of animal feces immediately when on public property	\$150	\$250
6.21	Owner fails to secure and/or remove the animal immediately from the off-leash area if the animal exhibits any threatening behaviour toward any other animal or person	\$200	\$300
	Interference		
6.22(a)	No person other than the owner shall untie or loosen an animal that is not in distress	\$150	\$250
6.22(b)	No person other than the owner shall willfully or negligently open a gate, door or other opening in a fence, pen, or enclosure in which an animal has been confined	\$150	\$250
6.23	No person shall abuse, tease, torment, harm or provoke and animal	\$200	\$400
Section 7	Vicious Animals		
7.1	Owner of a Vicious Animal that fails to have liability Insurance	\$500	COURT

	Signage		
7.2(a)	Failure of Owner to display appropriate signage at each entrance to property, as specified in Schedule 'D' of this bylaw	\$250	\$350
7.3	Failure of Owner to apply for a Vicious Animal Licence from Village Office immediately	\$250	\$350
7.4(c)(i)	Failure of Owner to provide proof of tattoo or implanted identification chip	\$250	\$350
7.4(c)(ii)	Failure of Owner to provide proof of current rabies vaccination	\$300	\$500
7.4(c)(iii)	Failure of Owner to provide proof that the Vicious Animal has been spayed/neutered	\$250	\$400
7.5	Failure of Owner to allow an Animal Control Office to enter property and inspect secured enclosure	\$350	\$500
7.6	Owner has more than one (1) Vicious Animal	\$250	\$500
	Declaration		
7.9	Failure of Owner to licence within two (2) days of appealing decision	\$250	\$500
	Responsibility of Owners of Vicious Animals		
7.10(a)	Owner ensures Animal deemed Vicious is wearing a current Village tag	\$200	\$400
7.10(b)	Fully inform new Owner that the Animal has been declared Vicious by the Village of Hay Lakes	\$200	\$400

7.10(c)	Failure to inform the Village in the change in ownership or the death of the animal within two (2) business days	\$200	\$400
7.11	Failure of Owner to properly confine the animal	\$250	\$500
7.12	The Owner of a Vicious Animal must ensure that the animal does not:		
7.12(a)	Chase a person and/or animal	\$500	COURT
7.12(b)	Cause damage to property or other animals, whether on the property of Owner or not	\$500	COURT
7.12(c)	Bite a person	\$500	COURT
7.12(d)	Attack a person causing severe physical injury	COURT	COURT
7.12(e)	Cause death to another animal	COURT	COURT
	Vicious Animal off Owner's Property		
7.15	At all times, when a Vicious Animal is off the property of the Owner, the Owner or the person having control and care of the Vicious Animal, must ensure that the Animal is:		
7.15(a)	Securely muzzled	\$250	\$500
7.15(b)	Animal is secured in a harness/leash not exceeding one (1) meter	\$250	\$500
7.15(c)	Is under the control of a competent person who is at least eighteen (18) years of age	\$250	\$500
7.15(d)	Is not running at large	\$250	\$500

7.16	The Owner fails to notify the Village Office that the Vicious Animal is running at large	\$250	\$500
Section 8	Animal Control Authority		
	Obstruction		
8.4	Any person providing false/misleading information to an Animal Control Officer and/or Bylaw Officer	\$200	\$400
8.5	Any person that interferes or obstructs an Animal Control Officer and/or Bylaw Officer	\$200	\$400
8.6	Any person that springs/ tampers with or damages a live trap	\$200	\$400
Section 9	Exotic Animals and Other Animals		
9.1	Failure of person to keep snake/reptile/lizard/insect/arachnid not otherwise prohibited by this bylaw in an escape proof enclosure	\$200	\$400

SCHEDULE 'D'

AGGRESSIVE DOG SIGNAGE

Warning signs for a Vicious Dog must meet the following specifications:

1. Be a minimum 6 inches by 6 inches (15 cm. by 15 cm.) in size
2. Contain the word "WARNING" or "DANGER" in minimum $\frac{3}{4}$ inch (2 cm.) size font.
3. Contain wording identifying a "VICIOUS DOG on PREMISES".
4. Contain a visual warning symbol of a dog.
5. Be made of rigid material that is resistant to weather and capable of being attached outdoors to a secure enclosure or fence.

A sample sign (not to scale);

