VILLAGE OF RYCROFT
BYLAW NO. ~~239-23~~246-24
ANIMAL CONTROL BYLAW

A BYLAW OF THE VILLAGE OF RYCROFT IN THE PROVINCE OF ALBERTA TO REGULATE AND CONTROL DOGS, CATS, AND OTHER ANIMALS WITHIN THE VILLAGE OF RYCROFT.

WHEREAS the Council deems it necessary to regulate the running at large of dogs and cats, to provide for the licensing of dogs and cats, to provide for the confinements of certain animals within the Village, and to regulate and control animals within the Village;

AND WHEREAS Sections 7 and 8 of the *Municipal Government Act, R.S.A. 2000 Ch. M-26,* for the Province of Alberta, gives the Council the authority to pass such a bylaw;

NOW THEREFORE the Council of the Village of Rycroft in the Province of Alberta duly assembled hereby enacts as follows:

PART I – TITLE AND DEFINITIONS

1. This bylaw may be cited as the "Animal Control Bylaw"

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

2.1. "Animal" means all species of fauna excluding humans;
2.2. "Animal Bylaw Officer" means a person appointed by the Council of the Village of Rycroft to enforce the provisions of this bylaw;
2.3. "Animal License" means an identification tag, issued after paying a licensing fee, by the Village of Rycroft showing the license number for a specific dog or cat intended to be worn on a collar attached to the dog or cats' neck.
2.4. "At Large" means an animal that is located at any place other than the premises of its owner, is not being carried by any person, or is not otherwise restrained by a person controlling the animal by means of a securely fastened Leash, unless in a Village of Rycroft approved off-leash area.
2.5. "Communicable Disease" means a disease that affects animals and may be transmitted to human beings;
2.6. "Dangerous Dog" means any dog that has been declared by the Animal Bylaw Officer to be dangerous pursuant to this bylaw;
2.7. "Impound" means to lodge an Animal at as designated Pound;
2.8. "Leash" means a chain or other material capable of restraining the Animal on which it is being controlled;
2.9. "Livestock" means those Animals which have been domesticated for, and are normally associated with, agriculture or ranching, including but not limited to horses, cattle, chickens, sheep, swine, goats and mules but excludes cats and dogs;
2.10. "Municipal Ticket" means a ticket issued under part 2 or part 3 of the Provincial Offences Procedure Act, R.S.A. 2000, c.P-34 as amended or repealed and replaced from time to time.
2.11. "Muzzle" means human device used to cover or restrain the mouth of an Animal, of sufficient strength to prevent the Animal from biting;
2.12. "Off Leash Area" means an area designated by the Village where a dog is permitted but is not required to be held by a Leash;

2.13. "Owner" means:
- A Person who has the care, charge, custody, Possession or control of an Animal;
- A Person who owns or claims a proprietary interest in an Animal;
- A Person who harbours, suffers or permits an Animal to be present on any property owned or under that Person's control;
- A Person who claims and receives an Animal from the custody of the Village Animal Pound; or
- The Person to whom a license has been issued under this bylaw;

2.14. "Person" means an individual human and includes a partnership or corporation;

2.15. "Possession" means:
- Exercising physical or effective control of an Animal;
- Having been given physical or effective control of an Animal by its Owner for the purpose of controlling the Animal for a specific period of time;
- Where one or more Persons with the knowledge and consent of the others, has physical or effective control of an animal, it may be deemed to be in the control of each and all of them;

2.16. "Village" means the Village of Rycroft;

2.17. "Village Pound" means the premises designated by the Village for the purpose of impounding and caring for dogs, cats and other Animals regulated under this bylaw;

PART II – AUTHORITY OF AN ANIMAL BYLAW OFFICER

3. No person shall interfere with, hinder or impede an Animal Bylaw Officer in the performance of any duty authorized by this Bylaw.

PART III – LICENSING

4. No Person shall own, keep or harbor any dog or cat within the Village limits unless such dog or cat is licensed.

5. Every Person residing within the jurisdiction of the Village who is the Owner of a dog or cat over the age of three (3) months shall obtain, on an annual basis, a license for that dog or cat by paying the license fee, and submitting a completed application form. Upon receipt of the license fee and the completed application form, the application may be approved and the Owner will be issued a license pursuant to this bylaw, and provided with a License Tag having a unique number. An Owner shall ensure that the License Tag is securely fastened to a collar or harness worn by the Animal and that the License Tag is worn by the Animal at all times while it is off the premises of the Owner.

6. No person is entitled to a refund, rebate or prorating for any license fee.

7. Every license shall expire on December 31 in the year in which it was issued.

8. Licenses issued under this bylaw shall not be transferable from one dog or cat to another or from one Owner to another.

9. An Owner of a dog or cat that has been duly licensed under this Bylaw may obtain a replacement Licence Tag for one that has been lost or damaged, upon payment of the replacement fee.

10. Dog and cat Owners shall provide the Village with the following information with each application for a license:
    - Name, street address and phone number of owner;
    - Name and description of dog or cat to be licensed;
    - Proof of spaying/neutering if applicable.

11. An Owner shall forthwith provide the Village with any changes to the information submitted with the original application.

12. No more than two (2) dogs and two (2) cats shall be harboured or permitted to remain upon any land, in any house, room or place, building, or premises within the Village unless:
    - The premises are lawfully used for the care and treatment of Animals, operated by and under the charge of a licensed veterinarian;
    - The premises are temporarily being used for the purposes of a dog or cat show;
    - The premises are lawfully used for the provision of training or obedience classes, but only during the training or obedience classes and for a period of one (1) hour after the conclusion of those classes.

13. Notwithstanding Section 12 a person may harbor more than two (2) dogs or two (2) cats, where those dogs or cats in excess of the maximum are under three (3) months of age, and are the progeny of a cat or licensed dog resident in the same premises.

14. Notwithstanding Section 12, the licensing provisions of this bylaw shall not apply to Animals accompanying a person temporarily in the Village for a period not exceeding fourteen days.

PART IV – DANGEROUS DOGS

Declaring A Dangerous Dog

15. An Animal Bylaw Officer may declare a dog dangerous if the officer has reasonable grounds to believe that, either through recorded personal observation or on the basis of facts determined after an investigation of a complaint, the dog has:
    - A known propensity, tendency or disposition to attack, chase or bite without provocation other Animals or humans;
    - Killed another Animal;
    - Created the reasonable apprehension of a threat to a human or any other Animal; or
    - Been the subject of an order or direction of a Justice, pursuant to the *Dangerous Dogs Act.*

16. Where an Animal Bylaw Officer has deemed a dog to be dangerous the officer shall provide the Owner with a written notice of the Animal Bylaw Officer's decision, setting out:
    - The basis upon which the decision was made;
    - The obligations for control and restraint of a Dangerous Dog provided under this Bylaw;
    - Deadlines by which obligations must be met;
    - The consequences for failing to comply with the Dangerous Dog provisions of the Bylaw;
    - Advise that the Owner may, within fourteen (14) days of the date of the notice, request in writing a review of the decision of the Animal Bylaw Officer.

    The written notice may be mailed to the dog's Owner and if sent by regular mail, the notice shall be deemed to have been received seven (7) days after the date of mailing.

    A request for Council's review of the Animal Bylaw Officer's decision shall:
    - Be made in writing;
    - Set out the grounds on which the Owner is requesting the review;
    - Be filed with the Village no later than fourteen (14) days from the postage date stamped on the notice declaring the dog to be dangerous.

17. Council may conduct its review of the Animal Bylaw Officer's decision through written material provided by the officer and the Owner. Nothing in this bylaw entitles an Owner to an oral hearing.

Keeping Dangerous Dogs

18. The Owner of a Dangerous Dog shall take all necessary steps to ensure that the Dangerous Dog does not:
    - Kill any other Animal;
    - Bite, chase or attack any other Animal or human; or
    - Create the reasonable apprehension of a threat to any other Animal or human.

19. When on the premises of its Owner, a Dangerous Dog shall:
    19.1. Be confined indoors; or
    19.2. If outdoors:
        - Be restrained by a Leash and controlled by a person 18 years or older; or
        - Be confined within a securely enclosed and locked pen or other structure, constructed and secured in such a fashion as to prevent the escape of the Dangerous Dog, and to prevent entry into the pen or access to the Dangerous Dog by children or other persons not authorized by the Owner to have access.
    19.3. A securely enclosed, locked pen or other structure shall, at a minimum:
        - Have a secure bottom permanently attached to its sides, or be constructed with its sides embedded into the ground to a minimum of thirty (30) centimeters;
        - Be constructed with a dimension of 6'x8', walls that are 6' in height, and roof covering;
        - Be maintained in a clean and sanitary manner.
    19.4. The Owner of a Dangerous Dog shall post signs warning any person that there is a Dangerous Dog on the premises at all gated entrances to the property where a Dangerous Dog is kept.
    19.5. When a Dangerous Dog is off the premises of the Owner, it shall at all times wear a secure Muzzle and be constrained by a harness or collar connected to a leash and securely under the control of a Person of at least 18 years of age.

PART V – GENERAL OFFENCES

20. The Owner of an Animal that is At-Large is guilty of an offense.

21. Notwithstanding Section 20, an Animal is not At-Large when located within the confines of a marked Village Off-Leash Area and accompanied by its Owner.

22. Section 20 does not apply when the Owner is attending a recognized training or obedience school for training their dog, or when the Animal is in an authorized dog or cat show.

23. If an Animal defecates on any public or private property other than the property of its Owner, the Owner shall remove feces immediately and dispose them in a sanitary manner.

24. An Owner of an Animal that allows any defecated matter to remain on his property or to accumulate to such an extent as to, in the opinion of the Animal Bylaw Officer, constitute a nuisance by way of odour, unsightliness or detrimental impact on the use, enjoyment or value of adjacent property, is guilty of an offence.

25. An Owner whose dog or cat barks or howls excessively, thereby unreasonably disturbing the quiet or repose of any Person, is guilty of an offense.

26. The Owner of an Animal that damages public or private property is guilty of an offense.

27. The Owner of an Animal is guilty of an offence if that Animal:
    - Bites or attacks any other Animal or human;
    - Kills any other Animal; or
    - Creates the reasonable apprehension of a threat to any other Animal or human.

28. An Owner of an Animal in heat shall, during the entire period that such Animal is in heat, keep such Animal confined and housed in the residence of the said Owner, or in a licensed Kennel. Where an Animal in heat is confined and housed in the residence of its Owner, such Animal shall be permitted outside the said residence for the sole purpose of permitting such Animal to urinate or defecate on the property of the residence of said Owner.

Negligence & Abuse

29. No person shall negligently or willfully open any gate, door or other opening in a fence, enclosure or otherwise to release an Animal which has been confined, thereby allowing said Animal to run At-Large in the Village.

30. No person shall untie, loosen or otherwise free an Animal which is not in distress unless such person has the authorization of the Owner.

31. No person shall tease, torment, abuse or injure or neglect any Animal.

PART VI – LIVESTOCK

32. No Person shall keep Livestock within the Village boundaries except where permitted under the Village of Rycroft Land Use Bylaw.

PART VII – IMPOUNDMENT AND DISPOSITION SEIZURE

33. An Animal Bylaw Officer may seize and capture, using such reasonable measures necessary, any Animal found running At Large and impound said Animal(s) in the Village Pound.

34. An Animal Bylaw Officer may enter onto lands surrounding any premises in pursuit of an Animal while that Animal is At Large.

35. To assist in the seizure or capture of an Animal Running at Large or loose, an authorized Animal Bylaw Officer may utilize live traps. Said traps shall be used in a humane manner.

36. Where an Impounded Animal bears obvious identification tattoos, brands, marks, tags or licences, the Village Pound shall make all reasonable efforts to contact the Owner of the Animal.

37. An animal impounded under Section 25 shall be kept in the Village Pound for a period of seven (7) days. During this period, any healthy animal may be redeemed by its Owner, or agent of the Owner, upon payment of:
    - The appropriate license fee specified when a cat or dog is found At Large not currently in possession of a license issued pursuant to this bylaw;
    - The boarding fee;
    - Any associated medical costs that may have been required.

38. Animals that are held at the Village Pound for longer than seven (7) days, become the property of the Village. Any person who adopts an Animal shall obtain full rights and title of the Animal, and the right and title of the former Owner shall cease forthwith. This should be documented with a Village of Rycroft adoption form.

39. On the 8th day or thereafter, any Animal not claimed may be humanely euthanized or adopted to a person other than the Owner.

40. An Animal Bylaw Officer shall seek veterinary treatment of any Animal, in order to relieve pain or bleeding if that animal is found to have been injured or is injured during the process of capture, and costs may be recovered from the owner on redemption of the Animal, or recovered through adoption.

41. Where an unlicensed Animal has been impounded, the owner will be required to purchase a license prior to redeeming the Animal.

42. Notwithstanding Articles 38 and 39, a person may pick up the animal without showing a license, by making a deposit in the amount of two times the license fee, which deposit will be refunded on receipt of proof of purchase of a license.

43. If in the opinion of a licensed veterinarian, an Animal impounded pursuant to the bylaw, because of injuries sustained or its medical health should be euthanized for humane reasons, an Animal Bylaw Officer may authorize that veterinarian to euthanize the Animal. No action shall be taken against any person, including an Animal Bylaw Officer, employee, agent or volunteer of the Village Pound acting under the authority of this bylaw, for damages as a result of the destruction or other disposal of any Animal.

PART VIII – PENALTIES AND ENFORCEMENT

44. Any person who violates a provision of this bylaw is guilty of an offence, and liable, on summary conviction, to the specified penalties set out in Schedule "A" of this bylaw.

MUNICIPAL TICKET

45. An Animal Bylaw Officer is hereby authorized and empowered to issue a Municipal Ticket to any Person whom the Animal Bylaw Officer has reasonable grounds to believe has contravened any provision of this bylaw.

46. A Municipal Ticket may be issued to such person:
    - Personally;
    - By registered mail to the person at his or her last known post office address; or
    - By leaving it with a person apparently over eighteen (18) years of age at the place of residency of the person to whom the Violation Tag is addressed.

47. The Municipal Ticket issued pursuant to this bylaw shall state:
    - The name of the Owner and address to whom the Municipal Ticket is issued;
    - The section number of the bylaw provision breached and a brief description of the offence;
    - The appropriate specified penalty for the offence as set out at Schedule "A" of this bylaw;
    - That the penalty shall be paid within thirty (30) days of the issuance of the Municipal Ticket.

48. Where a Municipal Ticket is issued pursuant to this bylaw, the person to whom the Municipal Ticket is issued may, in lieu of being prosecuted for the offence, pay to the Village office the penalty specified on the Municipal Ticket.

PART IX – EFFECTIVE DATE AND REPEAL

49. Should any provision of this bylaw be deemed invalid, then the invalid provision shall be severed and the remaining bylaw shall be maintained.

50. Bylaw ~~170-15~~230-23 is hereby repealed upon the third and final reading of this bylaw.

51. This bylaw shall come into force and effect upon the third and final reading.

This bylaw shall take effect on the date of the third and final reading.

Read a first time this 3rd day of April 2024.~~16th day of May 2023.~~

Read a second time this 3rd day of April 2024.~~20th day of June 2023.~~

Read a third time and passed this 3rd day of April 2024.~~20th day of June 2023.~~

Mayor James Verquin	Chief Administrative Officer Peter Thomas

ANIMAL CONTROL BYLAW ~~239-23~~246-24 SCHEDULE "A"

SPECIFIED PENALTIES

PART I - AUTHORITY OF ANIMAL BYLAW OFFICER

Section 3	Interfere with, impeding, or hindering an Animal Bylaw Officer	$500

PART II - LICENCING

Section 4	January 1-31/New Resident or New Animal	$15
Section 4	February 1 – December 31	$25
Section 4	Fail to obtain valid dog License	$100
Section 4	Fail to obtain valid cat License	$30
Section 5	Fail to ensure License tag is worn by dog	$75
Section 5	Fail to ensure License tag is worn by cat	$20
Section 13	Keep more than the maximum number of animals allowed	$200

PART III – DANGEROUS DOGS

Section 18	Dangerous Dog kills another Animal	$1000
Section 18	Dangerous Dog bite/chase/attack person or animal	$750
Section 18	Dangerous Dog threatens human	$500
Section 19	Fail to confine Dangerous Dog when on the owner's premises	$300
Section 19	By Leash and controlled by person of 18 yrs. old+	$300
Section 19	Securely enclosed locked pen or structure	$300
Section 19	Fail to attach appropriate signage	$300
Section 19	Fail to muzzle or otherwise secure Dangerous Dog when off the premises of the owner	$300

PART IV – RESPONSIBILITIES OF OWNER

Section 20	Allow dog /other animal to run at large	
First Offense		$50
Second Offense		$125
Third Offence		$300
Fourth and subsequent offense, within 1 calendar year, no less than		$500

Section 23	Fail to immediately remove Animal defecation from public/private property	
First Offense		$50
Second Offense		$125
Third Offense		$300
Fourth and subsequent offense, within 1 year period, no less than		$500

Section 24	Fail to keep residence/grounds clean/sanitary/inoffensive	
First Offense		$50
Second Offense		$125
Third Offense		$300
Fourth and subsequent offense, within 1 year period, no less than		$500

Section 25	Allow Animal to bark/howl excessively or otherwise disturb quiet	
First Offense		$50
Second Offense		$125
Third Offense		$300
Fourth and subsequent offense, within 1 year period, no less than		$500

Section 26	Allow Animal to damage public/private property	
First Offense		$50
Second Offense		$125
Third Offense		$300
Fourth and subsequent offense, within 1 year period, no less than		$500

Section 27	Allow Animal chase/bite/attack/threaten Person or other animal	$750

Section 27	Kill another Animal	$750
Section 28	Failure to confine an Animal in heat	$100
Section 30	Tease, torment, annoy, abuse, neglect any Animal	$400
Section 31	Have livestock in Village boundaries	$300