

BYLAW NO. 2020-573

BEING A BYLAW TO AMEND ANIMAL CONTROL BYLAW
NO. 2004-508 FOR THE VILLAGE OF MUNSON IN THE PROVINCE
OF ALBERTA FOR THE PURPOSE OF LICENSING, REGULATION
AND CONTROL OF DOGS IN THE VILLAGE OF MUNSON

WHEREAS the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 and all amendments thereto, empower Council to pass Bylaws for the purpose of restricting, regulating and controlling of dogs in the Municipality,

AND WHEREAS the provisions of the Provincial Offences Procedure Act, being Chapter P-21 Revised Statutes of Alberta, 1980 and all amendments thereto, empower Council to pass By-laws respecting voluntary penalties.

AND WHEREAS the Council of the Village of Munson deems it proper and expedient pass such a By-law;

NOW THEREFORE the Council of the Village of Munson duly assembled, enacts as follows:

1. TITLE

This By-law may be cited as the "Animal Control By-law" of the Village of Munson.

2. DEFINITIONS

In this By-law, unless the context otherwise requires:

- (a) "Animal Control Officer" or "By-Law Enforcement Officer" means a person authorized by the Village of Munson to enforce the provisions of this By-Law;
- (b) "animal" for the purpose of this by-law means dog
- (c) "Damage to property" means damage to property other than the Owner's property with the damage being valued at more than Ten (\$10.00) Dollars;
- (d) "Day" means a continuous period of twenty-four (24) hours, or a portion thereof;
- (e) "Dog" means and includes both male and female species;
- (f) "Former Owner" means the person who at the time of impoundment was the owner of an animal that subsequently has been sold or destroyed.
- (g) "Grandfathering" means exempt from specified provisions of this By-law;
- (h) Habitually barks, howls, or otherwise creates a disturbance, by such noise or a combination of noises, thereby disturbing the quiet and repose of any person;
- (i) "He/Him/His" means either sex, male or female of the human species;
- (j) "Holiday" means Saturday, Sunday or any other day declared to be a holiday by Federal, Provincial or Municipal Statutes.
- (k) "Infectious Physical Condition" means any abnormal physical condition which is liable to be passed on to other animals or humans by invasion of any organism emanating from the animal suffering from the abnormal physical condition;

(l) "Kennel" means:

- (i) any place owned by a person, group of persons or corporation, engaged in the commercial business of breeding, buying, selling or boarding dogs or animals; or
- (ii) a place where four(4) or more animals are kept.

(m) "License" means a dog license issued by the Village of Munson in accordance with the provisions of this By-law;

(n) "License Fee" means the applicable annual fee payable in respect of a license for a dog as set out in this By-law;

(o) "License Tag" means the identification tag issued by the Village of Munson showing the license number for a specific dog;

(p) "Officer" means Animal Control Officer, By-law Enforcement Officer or R.M.C.P. officer;

(q) "Owner" means:

- (i) a person who has the care, charge, custody, possession or control of an animal;
- (ii) a person who owns or who claims any proprietary interest in an animal;
- (iii) a person who harbors, suffers, or permits any animal to be present on any property owned, occupied, or leased by him, or which is otherwise under his control;
- (iv) a person who claims and receives an animal from the custody of the Pound or an Animal Control Officer;
- (v) a person to whom a license tag was issued for an animal in accordance with this By-law;
- (vi) a person to whom a Kennel License was issued for animals in accordance with this By-law;
- (vii) a person who habitually feeds and/or waters an animal to enable it to survive, and for the purposes of this By-law, an animal may have more than one(1) owner;

(r) "Owners Property" means any property in which the Owner of an animal has a legal or equitable interest or over which the Owner of an animal has been given the control or use of, by the legal or equitable owner of the property, and which property shall include, without limiting the generality of the foregoing, land, buildings, and vehicles;

(s) "Permitted Leash" means a leash used to restrain an animal and shall be no longer than (2) meters;

(t) "Permitted Property" means private property upon which the Owner of an animal has the express permission of the Owner of that property to allow the Owner's animal to be at large thereon;

(u) "Pound" means the Pound established for the impounding of animals as set out in the By-law;

(v) "Running at Large" means:

- (i) animals which are not under the control of a person responsible and not on a leash held by a competent person and is or are actually upon property other than the property in respect of which the owner of the animal or animals has the right of occupation, or upon any highway, street, laneway, boulevard, sidewalk, park, playground, or other public place; or

- (h) animals which are ostensibly under the control of a person responsible and which yet causes damage to property or other animals.
- (w) "Unlicensed animal" means either male or female of the dog species which is not the holder of a valid license and tag issued by the Village of Munson;
- (x) "Vicious Dog" means any dog, whatever its age, whether on public or private property which has:
 - (i) without provocation, chased, injured or bitten any other domestic animal or human; or
 - (ii) without provocation, damaged or destroyed any public or private property; or
 - (iii) without provocation, threatened or created the reasonable apprehension of a threat to other domestic animals or humans, and which in the opinion of a Justice, presents a threat of serious harm to other domestic animals or humans; or
- (y) "Village" means the municipal corporation of the Village of Munson or the areas contained within the boundary thereof as the context requires.

In the event of any proceeding under this By-law whether it be the impounding of any animal or the commencement of any proceedings by way of summons, the burden of establishing both age and that any animal is under the immediate charge and control of some competent and responsible person, shall be upon the owner of such animal.

3. RESPONSIBILITIES OF ANIMAL OWNERS

The owner of an animal:

- (a) shall ensure that the animal is not running at large;
- (b) shall be deemed to have failed or refused to comply with the requirements of the previous subsection unless proved that the Owner(s) has 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 himself that the animal was under the constant supervision of a person competent to control the animal at all times, by way of a collar and leash at all times when the animal was off the premises of the owner;
 - (iii) the animal shall be deemed to be running at large, if the animal is picked up by the Animal Control Officer, Bylaw Enforcement Officer or R.C.M.P. Officer, even if it is wearing a collar, harness or leash.
- (c) shall ensure all animals required under this By-law be licensed after the age of three(3) months as per Section 6 and Schedule "A" of this By-law;
- (d) shall not keep or harbor more than three(3) dogs within the boundaries of the Village of Munson;
- (e) the keeping of dogs in numbers greater than three(3) shall be considered operating a kennel and a contravention of this By-law;
- (f) the Village of Munson may revoke a permit and/or license to operate a kennel;

- (g) permits and/or licenses to operate a kennel issued prior to the passing of this By-law will be grandfathered and shall expire and be of no further force or effect after the expiry date of the year for which the permit and/or license was issued and must be renewed the next business day after the expiry date;
- (h) should an authorized person receive bona fide complaints from two(2) or more neighbors living within (50) meters of a licensed kennel, he/she may revoke the kennel license and/or permit;
- (i) the following individuals keep dogs in numbers greater than two(2) and hold a valid permit and/or license to operate a kennel prior to the passing of this bylaw and will be grandfathered; Marion Paulson and Sandra Morgan;
- (j) if those individuals holding a valid permit and/or license to operate a kennel prior to the passing of this By-law, cause to be sold, destroyed or otherwise disposed of their currently registered dogs, their current permit and/or license shall become null and void and they shall not be granted further permits and/or licenses and or licenses to operate a kennel and fall under the provisions of this By-law. The animals that are sold, destroyed or otherwise disposed of may not be replaced at any times unless the total number of dogs on the premises is less than two;
- (k) in the event of any proceedings under this By-law, whether it is the impounding of any dog, or the commencement of any proceedings by way of summons, the burden of establishing both age and that any dog is under the immediate charge of some competent and responsible person shall be upon the owner of such dog.

4. NUISANCE

- a) the owner of an animal shall not permit the animal to be or to become a public nuisance by:
 - (i) biting or chasing a person or animal
 - (ii) biting, barking at or chasing stock, bicycles, automobiles or other vehicles
 - (iii) barking, howling, or otherwise disturbing any neighbors
 - (iv) keeping a female dog, which is in season at any location where the dog is a source of attraction to other dogs. Female dogs in season shall be confined and housed during the entire period of time the dog is in season
 - (v) habitually barking, howling or otherwise creating a disturbance by such noise or combination of noises being continually for ten(10) minutes of time.
 - (vi) allowing it to upset waste receptacles and scatter the contents thereof. An owner of an animal which is found upsetting waste receptacles or scattering contents thereof, either in or about a street, land or public property or in or about premises not belonging to or in the possession of the owner of the animal is guilty of an offence and upon summary conviction thereof shall in addition to any penalty imposed upon him be civilly liable to the Village of Munson for any expense directly or indirectly incurred by it in connection with the receptacle being upset or the waste scattered about.
- b) an owner of an animal shall not permit such animal to be in the floral areas of any public or private property other than the premises of the owner of the animal;
- c) an owner of an animal shall not place or allow any animal to enter or remain in any swimming, bathing, or wading pool, that is provided for the use of the public;
- d) if an animal defecates on any property that is not the owner's property, the owner shall remove such defecation and dispose of same in a sanitary

manner, failure to do so means that the owner is guilty of an offence;

e) no person shall tease, torment, annoy, abuse, or injure any animal and any person who does is guilty of an offence;

f) no person shall:

- (i) interfere with, hinder or obstruct an Animal Control Officer, Bylaw Enforcement Officer, R.C.M.P. Officer or any person authorized by this Bylaw who is attempting to capture, or who has captured an animal which is subject to being impounded pursuant to the provisions of this Bylaw;
- (ii) induce an animal to enter a house or other place where it may be safe from capture or otherwise to assist the animal to escape capture;
- (iii) falsely make representation as being in charge or control of an animal so as to establish that the animal is not running at large;
- (iv) unlock or unlatch or otherwise open the vehicle in which animals are kept for impoundment so as to allow an attempt to allow any animal to escape;
- (v) untie, loosen or otherwise free an animal which has been tied or otherwise retained;
- (vi) 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.

g) if an Animal Control Officer, Bylaw Enforcement Officer or R.C.M.P. Officer determines on reasonable grounds that a dog is a vicious dog, either through personal observation or on the basis of facts determined after an investigation initiated by a complaint, he may:

- (i) give the owner a written notice that the dog has been determined to be a vicious dog; and
- (ii) require the owner to keep such dog in accordance with the provisions for owners for a vicious dog included in Section 4 of this Bylaw upon the owner's receipt of the notice; and
- (iii) inform the owner that if the vicious dog is not kept in accordance with Section 4 of this Bylaw, the owner will be fined or subject to enforcement action.

h) the owner of a vicious dog shall ensure that:

(i) such a dog does not, without provocation:

1. chase a person;
2. injure a person;
3. bite a person;
4. chase other domestic animals;
5. injure other domestic animals;
6. bite other domestic animals.

(ii) such dog does not damage or destroy public or private property;

(iii) ensure such dog is tattooed or implanted with electronic identification microchip;

(iv) when such dog is on the property of the owner:

1. either such dog is confined indoors and under the control of a person over the age of eighteen (18) years; or
2. when such dog is outdoors it is in a locked pen or other structure, constructed to prevent the escape of the vicious dog and capable of preventing the entry of any person not in control of the dog; or
3. the locked pen or other structure shall have secure sides and a secure top and if it has no bottom secured to its sides, the sides must be embedded in the ground to a minimum depth of thirty (30) centimeters;
4. the locked pen or other structure shall provide the vicious dog with the shelter from the elements and be of the minimum dimensions of one and one-half (1.5) meters by three (3) meters and be a minimum one and one-half (1.5) meters in height;
5. the locked pen or other structure shall not be within one (1) meter of the property line or within five (5) meters of a

neighboring dwelling unit.

- (iv) at all times, when off the property of the owner, such dog must be:
 - 1. muzzled; and
 - 2. harnessed or leashed on a lead which length shall not exceed one (1) meter in a manner that prevents it from chasing, injuring, or biting other domestic animals or humans, as well as preventing damage to public and private property; and
 - 3. under the control of a person over the age of eighteen (18) years.
- (vii) such dog is not running at large.

5. COMMUNICABLE DISEASES

The owner of an animal suffering from a communicable disease:

- (a) shall not permit the animal to be in any public place;
- (b) shall not keep the animal in contact with or in proximity to any other animal;
- (c) shall keep the animal locked up or tied;
- (d) shall immediately report the matter to the Animal Control Officer, Bylaw Enforcement Officer of the Village of Munson, the Community Health Officer, and the local R.C.M.P.

6. LICENSING PROVISIONS

- (a) The owner of a dog shall apply for an annual license for each dog aged three (3) months or older, and shall pay therefore an annual fee as set out in Schedule "A" of this Bylaw;
- (b) Notwithstanding Subsection 6(a) where the Village of Munson is satisfied that a person who is blind or whose vision is impaired, and is the owner of a dog or other animal, trained and used as a guide dog or animal, there shall be no fee payable by the owner for a license under this Section;
- (c) Where a person is granted to be exempt from the license fee under subsection (b) the person is still required to obtain a metal tag and fill out the required information at the Village of Munson office;
- (d) The owner of a dog shall:
 - i. Obtain the annual license for it on the first day when the Village Office is open for business after New Year's Day every year.
 - ii. Obtain the license on the first day on which the Village Office is open for business after he becomes the owner of the dog. The burden of proof that the dog is not the property of the said owner shall rest upon the said owner.
 - iii. Pay the appropriate fee for obtaining such license as set out in Schedule "A" of this Bylaw.
 - iv. Complete the required information for such dog setting forth the full description, age and other pertinent information relating to such dog and as required by the Village of Munson.
- (e) Upon payment of the license fee by the owner, the Village Office shall issue to the owner, a metallic tag for each dog licensed.
- (f) Every owner shall provide his dog with a collar to which the owner shall affix the metallic tag for such dog and the owner shall ensure that the collar and tag are worn by his dog at all times;
- (g) An owner of an animal that has been duly licensed may obtain a replacement license tag for one that has been lost, upon payment of the fees as set out in Schedule "A" of this By-law;
- (h) The buyer, purchaser or new owner of a dog registered under this By-law shall report such transfer of registration to the Village

- Office, but no annual license fee shall be payable in the current year in respect of such transfer of registration;
- (i) No person shall be entitled to a license rebate under this By-law;
 - (j) Where a license, required pursuant to this section, has been paid by the tender of an uncertified cheque, the license:
 - i. is issued subject to the cheque being accepted and cashed by the bank without any mention of this condition being made on the license, and
 - ii. is automatically revoked if the cheque is not accepted and cashed by the bank of which it is issued.
 - (k) The Village of Munson shall keep a book in which they shall record the name of the owner of the dog, the breed, color, sex, and age of each dog, together with the date of registration of the owner's dog, the number stamped on the metallic tag issued to the owner and the amount paid;
 - (l) Persons temporarily in the Village of Munson do not require a dog license for a period not exceeding two(2) weeks;
 - (m) It is the responsibility of the owner of an animal to notify the Village Office or By-law Enforcement Officer immediately if their animal has gone missing. It is not the responsibility of the Village Office or By-law Enforcement Officer to find the owner of any animal that is not wearing a current license tag;
 - (n) Any owner of an animal who does not purchase a license for the current year, for said animal, is hereby in contravention of this By-law and guilty of an offence.

7. NUMBER OF DOGS

- (a) the maximum number of dogs in a single dwelling is three(3). The Animal Control Officer or By-law Enforcement Officer shall direct the owner to remove the animal or animals from the Village of Munson shall the number exceed more than three(3).

8. POWERS OF ANIMAL CONTROL OFFICER, BYLAW ENFORCEMENT OFFICER

- (a) An animal Control Officer, By-Law Enforcement Officer or a Police Officer may capture and impound any animal:
 - i. In respect of which 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.
- (b) An animal Control Officer, By-law Enforcement Officer or a Police Officer may enter into the land surrounding any building in pursuit of any animal which has been observed, contravening any Section of this By-Law;
- (c) the owner of any impounded animal may reclaim the animal from the Pound by paying to the Animal Control Officer, By-law Enforcement Officer or the Village of Munson;
 - i. the appropriate fees as set out in Schedule "A" of this Bylaw;
 - ii. the appropriate fee for boarding and providing sustenance for the animal as set out in Schedule "A";
 - iii. the appropriate fee when the animal is not licensed;
 - iv. the costs of any required veterinary treatment for the animal; and
 - v. any costs incurred due to the impoundment
- (c) The Animal Control Officer, By-Law Enforcement Officer, Police Officer may use any humane method in his attempt to capture an animal and should the animal be hurt during capture or attempted capture, neither the Village of Munson, Council or the Officer shall be held liable for such injury;

- (f) A ticket shall be in such form as determined by the Village of Munson and shall state the Section of the By-Law which was contravened and the amount from Schedule "A" that will be accepted by the Village of Munson in lieu of prosecution;
- (g) Notwithstanding the provision of this section, a person to whom a ticket has been issued pursuant to this section may exercise the right to defend any charge of committing a contravention of any of the provisions of the By-law;
- (h) Any person who contravenes a provision of this By-law by doing something which he is prohibited from doing, or by failing to do something which he is required to do, or by doing something in a manner different from that in which he is required or permitted to do by this By-law, is guilty of an offence and liable upon summary conviction to a fine of:
 - i. Not less than One (\$1.00) Dollars or more than Nine Thousand (\$9000) Dollars for an infraction of this By-law;
 - ii. Not less than One(\$1.00) Dollar or more than Nine Thousand (\$9000.00) Dollars for any other offence under this By-law, or upon failure to pay the fine and costs to imprisonment for a period not exceeding ninety (90) days unless such fines and costs or committal are sooner paid.
- (i) The levying and payment of any fine or the imprisonment for any period provided in this By-law shall not relieve a person from the necessity of paying any fees, charges, or costs under the provisions of this By-law. A Provincial Court Judge, in addition to the penalties provided in this By-law may, if the offence is sufficiently serious, direct or order the person that owns, keeps, maintains, or harbors an animal to stop the animal from doing mischief, ceasing a disturbance or nuisance complained of, or to have the animal removed from the Village of Munson or to have the animal destroyed or otherwise disposed of.

9. DISPOSAL

- (a) The Animal Control Officer or By-law Enforcement Officer, shall not sell, destroy or otherwise dispose of an impounded animal until the following conditions are met:
 - i. Retain in the Pound for three (3) business days when the name and address of the owner are known;
 - ii. Retain in the Pound for seventy-two(72) hours, if the name and address of the owner are not known, or unless a person having the authority orders the retention or the disposal of the animal or unless the owner of the animal makes arrangements with the Animal Control Officer or By-law Enforcement Officer for the further retention of the animal, the Animal Control Officer or By-law Enforcement Officer may cause the animal to be sold, destroyed, or otherwise disposed of.
- (b) Any impounded animal which is unclaimed and requisite pound and license fees unpaid within the time specified herein, maybe destroyed or otherwise disposed of by the Animal Control Officer, or By-law Enforcement Officer in which case those costs incurred will be borne by the Village of Munson. However, provided the owner is duly informed and acknowledges ownership of the animal, the Village of Munson may then bill the owner for such expenses that have actually been incurred.
- (c) Any animal so captured and impounded shall not be released from the pound unless the owner can prove to the Pound Keeper that all fines and pound fees have been paid and a current license has been obtained if required, pursuant to the provisions of this By-law.

- (d) The Animal Control Officer or By-law Enforcement Officer may retain an animal for a longer period if in his/her opinion the circumstances warrant the expense.
- (e) The purchase of any animal from the pound pursuant to the provisions of this subsection shall obtain full right and title to it and the right and title of the former owner of the animal shall cease thereupon.

10. PENALTIES AND FEES

- (a) Any person who contravenes any provision of this By-law is guilty of an offence and is liable to a penalty as set out in Schedule "C" of this By-law;
- (b) Fees for licensing, impounding, boarding and feeding the animal shall be charged to the owner of the animal at the rates set out in Schedule "A";
- (c) Where an Animal Control Officer, By-law Enforcement Officer or an R.C.M.P. Officer believes that a person has contravened any provision of this By-law, he may commence proceedings by issuing a summons by means of a violation ticket in accordance with Part 2 of the Provincial Offences Act, S.A. 1988, Chapter P21.5 and amendments thereto.
- (d) Notwithstanding Section 10(c):
 - i. Where any person contravenes the same provision of this By-law twice in one (1) twelve(12) month period, the specified penalty payable in respect of the second contravention is double the amount shown in Schedule "C" of this By-law in respect of that provision;
 - ii. Where any person contravenes the same provision of this By-law three or more times within one(1) twelve(12) month period, the specified penalty payable in respect of the third or subsequent contravention is triple the amount of the fine for the second offence in respect of the provisions shown in Schedule "C" of this By-law; and
 - iii. Any animal, after committing five(5) or more violations under this By-law, maybe destroyed and the entire cost of fines and euthanasia shall be paid by the owner of the said animal.
- (e) Subsection 10(a) does not apply to vicious dogs;
- (f) Subsection 10(b) applies to vicious dogs, however the fees outlined in Schedule "D" shall be used as a basis rather than Schedule "C";
- (g) Notwithstanding the provisions of this section, a person to whom a ticket was issued pursuant to this section may exercise his right to defend any charge of committing a contravention of any of the provisions of this By-law.

11. LIABILITY FOR DAMAGE

The Village of Munson, Animal Control Officer or By-law Enforcement Officer will not be held liable for any damages whether direct or indirect, suffered by any person or premises as a result of any obligation of the Village of Munson, the Animal Control Officer or the By-law Enforcement Officer to discharge any of its obligations pursuant to this By-law, unless the Village of Munson, the Animal Control Officer or the By-law Enforcement Officer are proven grossly Negligent.

12. SEPARATE AND SEVERABLE

Each section of this By-law shall be read as being separate and severable from each other section. If any portion or section of this By-law is declared invalid by a Court of competent jurisdiction, then the validity of this By-law in whole or in part, other than the part so declared, shall not be affected and such invalid portion or section of the By-law shall be read as being separate and severable from the rest of the By-law.

UPON third and final reading, this By-law hereby rescinds and repeals By-law # 2000-481 and amendments thereto;

THIS BY-LAW SHALL COME INTO FULL FORCE AND EFFECT AS OF THE DATE OF THE THIRD AND FINAL READING.

READ A FIRST TIME THIS 23 DAY OF June, 2020

READ A SECOND TIME THIS 23 DAY OF June, 2020

READ A THIRD TIME AND FINALLY PASSED THIS 23 DAY OF June, 2020


MAYOR


CLERK

Schedule "A"
Animal License & Related Fees

NOW THEREFORE, the rates for annual animal license fees and related fees may be revised by resolution of Council. As the passing of this By-law, the license fees and related fees are as follows;

Animal License & Related Fees

NOW THEREFORE, the rates for annual animal license fees and related fees may be revised by resolution of Council. As the passing of this By-law, the license fees and related fees are as follows;

Dog: Neutered/Spayed Dogs:

On or before the 31st day in January in each calendar year \$20.00
for the first two dogs. The third dog tag is \$35.00

as of February 1st provided owner was legally under the provisions
of this By-law to obtain a license on or before January 31st \$40.00
for the first two dog tags. The third tag is \$50.00.

Unaltered Dogs:

On or before the 31st day in January in each calendar year \$25.00
for the first two dogs. The third dog tag is \$40.00

as of February 1st provided owner was legally under the provisions
of this By-law to obtain a license on or before January 31st \$40.00
for the first two dog tags. The third tag is \$50.00.

Vicious Dog:

on or before the 31st day of January in each calendar year \$250.00
for each dog tag

as of February 1st provided owner was legally required under the
provisions of this By-law to obtain a license on or before January
31st \$500.00 for each dog tag

Replacement Tags: \$15.00 each
\$25.00 for second replacement tag

Impound Fees: Rates set by Pound Keeper and payable to Pound Keeper

Impound Fees for Vicious Dog: Rates set by Pound Keeper plus \$250.00

Boarding Fees: Rates set by Pound Keeper and payable to Pound Keeper

Veterinary Fees: Amount Expended