

**TOWN OF MILK RIVER
IN THE PROVINCE OF ALBERTA
BYLAW NO. 1037-22**

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

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

NOW THEREFORE, the Municipal council of the Town of Milk River, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. Title

That this Bylaw may be cited as the Animal Control Bylaw.

2. Definitions

In this Bylaw, unless the context otherwise requires:

- a. **Animal** means any domesticated animal.
- b. **Bylaw Enforcement Officer** means a person appointed by the Town of Milk River to carry out the provisions of this Bylaw and anyone acting or authorized by the Bylaw Control Officer to act on their behalf.
- c. **Day** means a continuous period of 24 hours.
- d. **Dog** means either a male or female dog.
- e. **Dog Fancier's License** means a Dog license issued annually to an owner permitting the keeping or harboring, on land or premises occupied by the owner, of up to six (6) licensed Dogs over the age of (3) months.
- f. **Domestic Animal** means and includes any Dog, cat or any animal reclaimed from a wild state and adapted to live with man, not including "Livestock" and "Poultry" as defined herein.
- g. **Former Owner** means a person, who at the time of impoundment, was the owner of an Animal which has subsequently been sold or destroyed.
- h. **Kennel** means a dwelling, shelter, room, or place so considered, housing or keeping four (4) or more Dogs over the age of one (1) month.
- i. **Livestock** means horses, cattle, sheep, swine, donkeys, goats, rabbits, and fur bearing animals raised in captivity.
- j. **Poultry** means chicken, turkey, geese, pigeons, ducks, and ornamental birds.
- k. **Pound** means a place the Town Council shall provide or designate for the confinement of animals impounded.



- l. **Running at Large** means an Animal, or Animals, which are not under the control of a person responsible and is, or are, actually upon property in respect of which the owner of the Animal or Animals, does not have the right of occupation, or upon any highway.
- m. **Town** means the Municipal Corporation of the Town of Milk River in the Province of Alberta.
- n. **Vicious Dog** is any Dog with a propensity, tendency, or disposition to attack or injure, without provocation, other animals or humans, which attacks, bites or injures without provocation any human or animals or which represents a continuing threat of serious harm to persons or animals.
- o. **Wildlife** means big game, game birds, birds of prey, fur bearing carnivores and any other species of vertebrates designated wildlife by the Wildlife Act and the regulations passed pursuant thereto.

3. Responsibilities of Animal Owners

The owner of an Animal shall:

- 3.1 Ensure that the Animal is not Running at Large; and
- 3.2 be deemed to have failed or refused to comply with the requirements of the previous subsection unless they prove to the satisfaction of the Court trying the case that they have taken all reasonable precautions either to:
 - a. secure the Animal so that it would not be able to leave the premises of the owner, or
 - b. ensure that the Animal is on a leash, adequate to restrain it, at all times that it is off the owner's premises.

4. Nuisance

The owner of an Animal shall ensure that such Animal shall not become a nuisance by:

- 4.1 Biting or chasing a person or persons whether on the property of the owner or not;
- 4.2 Biting, barking at, or chasing Livestock, bicycles, automobiles, or other vehicles;
- 4.3 Barking, howling or otherwise disturbing any neighbours;
- 4.4 Causing damage to property or other Animals;
- 4.5 The owner of a female Dog which is in heat shall keep the Dog housed and confined;
- 4.6 An owner whose Animal defecates on property other than their own shall remove forthwith, any defecated matter deposited;
- 4.7 Any owner of an Animal which is found upsetting waste receptacles or scattering the contents thereof, either in or about a street, lane or other public property or in or about premises not belonging to or in the possession of the owner of the Animal, is guilty of an offense provided in Section 3.1 and upon conviction thereof, in addition to any penalty imposed upon them, be civilly liable to the Town of any expense directly or indirectly incurred by it in connection with the receptacle being upset or the waste scattered.

5. Licensing

- 5.1 The owner of a Dog and/or cat shall obtain an annual license for each Dog and cat, and pay therefore, an annual fee as prescribed in Schedule "A" of this Bylaw.
- 5.2 Obtain an Animal license for each Animal on or before January 31st of each year.
- 5.3 Notwithstanding Subsection 5.1, the licensing provisions of the Bylaw where a person is blind or whose vision is impaired, is the owner of a Dog, trained and used as a guide Dog, there shall be no fee payable to the owner for a license under this Bylaw.



- 5.4 Subject to the provision of 5.7, obtain a license for it on the first day when the Town Office is open for business after the Animal reaches six (6) months of age.
- 5.5 Shall obtain the license for an Animal on the first day on which the Town office is open for business after they become the owner of the Animal.
- 5.6 Shall obtain a license for a Dog notwithstanding that it is under the age of six months where the Dog is found Running at Large.
- 5.7 The owner of a Dog shall ensure that their Dog wears a collar and current license.
- 5.8 Upon losing a Dog license, an owner of a Dog shall present the receipt for payment of a current year's license fee to the Town Office who will issue a new tag for \$3.00.
- 5.9 No person shall be entitled to a refund under this Bylaw.
- 5.10 No license shall be transferrable from one Animal to another Animal.
- 5.11 Where a license required pursuant to this Section has been paid by the tender of an uncertified cheque, the license is issued subject to the cheque being accepted and cashed by the bank without mention of this condition being made on the license and is automatically revoked if the cheque is not accepted by the bank of which it is issued.
- 5.12 The maximum number of Dogs and/or cats in a single-family dwelling or household shall be restricted to three (3) over the age of three months except in the case where an owner is in receipt of a Dog Fancier License.
- 5.13 A Dog Fancier License shall be issued upon payment of the fee specified in Schedule "A" of this Bylaw. Each Dog owner under a Dog Fancier's License shall be licensed pursuant to Section 5 of this Bylaw.
 - a. In order to apply for a Dog Fancier's License, the Owner must complete a Dog Fancier's License application in the form attached as Schedule "C" to this Bylaw and submit the completed application form, together with the applicable application fee, to the CAO or their designate.
 - b. The Administrator may revoke the Dog Fancier's license upon receipt of bona fide complaints from two or more neighbours residing within 60 meters of the residence of the license.
 - c. OR, if in their opinion there are just and reasonable grounds for the revocation or suspension of the license.
 - d. Upon a license being revoked or suspended as hereinbefore provided, the Administrator shall notify the licensee thereof:
 - i. By delivering a notice to them personally, or
 - ii. By mailing a registered letter to their place of business or residence.
- 5.13.1 Appeal
 - a. In every case where:
 - i. A request for a Dog fanciers license has been refused.
 - ii. A Dog fanciers license has been revoked or suspended, the person seeking the license may appeal to the Town Council.
 - b. An appeal from subsection one (1) hereof shall be made by the applicant within thirty (30) Days after such refusal, revocation, or suspension.
 - c. All appeals shall be made in writing addressed to the Municipal Administrator of the Town of Milk River and shall be dated as of the date received by the Municipal Administrator.
 - d. Town Council after hearing the applicant may:
 - i. Direct a Dog fanciers license to be issued or reinstated
 - ii. just and reasonable.
 - iii. Direct a Dog fanciers license to be issued or reinstated with conditions
 - iv. Refuse to grant a Dog fanciers license.
 - v. Uphold the revocation or suspension of a Dog fanciers license, on grounds which appear.



- 5.14 The Town office shall keep a record of the name and municipal address of the owner, the breed, colour, sex of the Dog, and the number stamped on the tag issued to the owner.

6. Animal Control Operation – Authority

A Bylaw Enforcement Officer, a constable or an Animal control Officer, or any person authorized by this Bylaw, may capture and impound any Animal;

- 6.1 They believe or has reasonable grounds to believe an offence under this Bylaw is being or has been committed.
- 6.2 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.
- 6.3 A Bylaw Enforcement Officer, a constable or Animal control officer of the Town or any person authorized by this Bylaw to enforce the provisions contained herein, may enter onto the land surrounding any building in pursuit of any Animal which has been observed Running at Large.
- 6.4 The Town Council shall establish such number of pounds and appoint such Bylaw enforcement officers as are necessary to provide reasonable facilities for the impounding of Domestic Animals Running at Large.

7. Animal Control Operations – Kennels

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

8. Interference With an Animal

No person, whether they are the owner of an Animal which is being or has been pursued or captured, shall;

- 8.1 Interfere with or attempt to obstruct a Bylaw Enforcement Officer, or Constable or an Animal control Officer who is attempting to capture or who has captured an Animal which is subject to being impounded pursuant to the provisions of this Bylaw.
- 8.2 Persuade the Animal to enter a house or other place where it may be safe from capture or otherwise assist the Animal to escape capture.
- 8.3 Falsely represent themselves as being in charge or control of an Animal so as to establish that the Animal is not Running at Large.
- 8.4 Unlock or unlatch or otherwise open the Pound van or vehicle in which Animals are kept for impoundment have been placed to allow or attempt to allow any Animal to escape therefrom.
- 8.5 Untie, loosen, or otherwise free an Animal which has been tied or otherwise restrained.
- 8.6 Negligently or willfully open a gate, door or other opening in a fence or enclosure in which an Animal has been confined and thereby allow an Animal to run at large within the Town.
- 8.7 Tease, torment, or annoy an Animal.

9. Vicious Dog

- 9.1 No Person shall own, nor have, the physical care, possession, or control of a Vicious Dog within the Town unless that Person is not less than 18 years of age and is physically and mentally capable of maintaining control of the Dog.
- 9.2 An Owner of a Vicious Dog shall:
 - a. Notify the Town that they own a Vicious Dog,

- b. Ensure that the Dog remains, at all times while on the property of the Owner, confined to a Secure Enclosure,
 - c. Ensure that at any time that the Dog is not on the property of the Owner, the Dog is secured by a restraining device which does not exceed 1.0 meter in length, and which is sufficient to control the Dog, and the Dog is under the physical control of the Owner or person in possession of the Dog with the owner's consent,
 - d. Ensure that any time that the Dog is not on the property of the Owner, that the Dog is wearing a properly fitted muzzle that permits adequate ventilation for the Dog while remaining securely fastened on the Dog,
 - e. Ensure that at no time while the Dog is in a Motor Vehicle, the Dog has access to Persons or Domestic Animals which are outside the motor vehicle, while ensuring that, at all times, the Dog has adequate ventilation and temperature control within the Motor Vehicle,
 - f. Ensure that at no time is the Dog transported unsecured in a motor vehicle or transported outside of the cab of a motor vehicle,
 - g. Provide to the Town proof that a policy of liability insurance is in force and provides third party liability coverage in a form satisfactory to the Town and in a minimum coverage amount of \$500,000.00 for any injuries which may be caused by the Dog,
 - h. Ensures that the insurance policy contains a provision requiring the insurer to immediately notify the Town in writing in the event that the policy expires, is cancelled or is terminated, and
 - i. Prominently displays, at the front and rear entrances to the owner's property, a sign stating, "Beware of Dog".
- 9.3 If an owner has any reason to believe that their Dog may be a Vicious Dog, they shall keep the Dog in accordance with the provisions of this Section unless and until the Town's Bylaw Enforcement Officer has determined that the Dog is not a Vicious Dog and has so advised the owner in writing.
- 9.4 If the Town's Bylaw Enforcement Officer has reasonable grounds to believe that a Dog is a Vicious Dog, either through personal observation or after an investigation initiated by a complaint about the Dog, the Bylaw Enforcement Officer may, in writing:
- a. Notify the owner that the Dog is deemed to be a Vicious Dog, and
 - b. Require the owner to comply with all provisions of this Bylaw with respect to Vicious Dogs immediately.
- 9.5 A notice under Section 9.4 shall include a summary of the applicable Bylaw provisions governing Vicious Dogs.
- 9.6 Notice given under Section 9.4 will be deemed served upon actual personal service of the notice upon the owner or after five (5) Days from mailing via regular mail to the owner's address as it appears on the Town's tax roll.
- 9.7 A person who has been served with a notice in accordance with Section 9.4 may appeal the notice to the Council by filing a written notice of appeal with the Chief Administrative Officer within seven (7) Days of being served with the notice under Section 9.4. The appeal will be heard by Council within 30 Days of receiving the notice of appeal.



- 9.8 Until such time as Council hears and upholds the appeal, the Dog must be treated in accordance with Vicious Dog provisions under this Bylaw.
- 9.9 The owner of a Vicious Dog shall apply for a Vicious Dog License under this Bylaw within seven (7) Days of the Dog being declared a Vicious Dog.
- 9.10 Where the owner of a Vicious Dog is guilty of an offence under this Bylaw, the minimum penalties for Vicious Dogs set out in Schedule B shall apply.
- 9.11 Nothing contained within this Bylaw shall prevent the Town from making application to the Court for an Order to destroy a Dog in accordance with the *Dangerous Dogs Act*, R.S.A. 2000, Chapter D-3 as amended, or repealed and replaced from time to time or taking such other steps with respect to the seizure, impoundment, control, or destruction of a Dog as may be available to the Town at law.
- 9.12 The Owner of a Vicious Dog shall immediately advise the Bylaw Enforcement Officer if the Vicious Dog is sold, gifted, transferred, or dies.

10. Reclaiming an Animal

- 10.1 The owner of any impounded Animal may reclaim the Animal from the Pound by paying to the Town of Milk River the fees as prescribed in Schedule B of this Bylaw and by obtaining the license for such Animal should a license be required under this Bylaw.
- 10.2 If at the expiration of a seventy-two (72) hour period from the time a Domestic Animal was first impounded it has not been redeemed, it may be sold or destroyed.
- 10.3 For the purpose of calculating the seventy-two (72) hour period of impoundment of a Domestic Animal, the date of impoundment included, however Saturdays, Sundays and holidays shall be excluded.
- 10.4 The purchase of a Domestic Animal from the Pound pursuant to the provisions of this section shall obtain full right and title to it and the right and title of the Former Owner to the Domestic Animal shall cease thereupon.
- 10.5 Impounded Domestic Animals shall be sold by the Town of Milk River at a price of no less than charges and costs levied against the Domestic Animal.
- 10.6 Disposal of all Domestic Animals as required by this Bylaw shall be done through euthanasia performed by a veterinarian.

11. Wildlife

No person shall have or keep a Wildlife animal or bird alive within the Town of Milk River.

12. Livestock, Poultry or Bees

- 12.1 No person shall keep Livestock, Poultry or bees, other than one pet rabbit per household within the Town of Milk River, unless the location on which such Livestock, Poultry or bees are kept falls within one of the following classifications:
- a. Those areas of the Town of Milk River which would be classified as farms in compliance with the requirements of the Land Use Bylaw.

- b. Those locations in the Town of Milk River for which development approvals has been granted pursuant to the requirement of the Land Use Bylaw and those locations in which an existing use does not conform to the Land Use Bylaw continues legally, where the permitted or legal non-conforming involves a farm, a packing plant, a Livestock auction market, or a similar operation.
- 12.2 No person while raising Livestock or Poultry shall create, establish, or maintain:
 - a. Any stable, byre or other building in which birds or animals are kept in a such a manner or in numbers as to be injurious or dangerous to health or which may hinder in any manner the prevention or suppression of disease.
 - b. Any accumulation or deposit of refuse, wherever situated, which is injurious to health, or which may hinder in any manner the prevention or suppression of disease.
 - c. Any deposit or offensive matter, refuse, offal, or manure contained in uncovered vehicles at any station or siding or elsewhere so as to be injurious to health, or which may hinder in any manner the prevention or suppression of disease.
 - d. Any accumulation of refuse wherever situated, for so long a period as to provide a breeding place for flies or creation of odours.
- 12.3 All Livestock or Poultry, while not under the direct control of a person shall be placed in a fenced or other secure area which will prevent the free roaming of such Livestock or Poultry.

13. Penalties – Voluntary Payment Tickets

- 13.1 Where a Bylaw Enforcement Officer, a Constable or an Animal Control Officer of the Town, or any person authorized by this Bylaw, believes that a person has contravened any provisions of this Bylaw, they may serve upon such person a ticket as provided in this section either personally by mailing, or by leaving the same at the last known address and such service shall be adequate for the purpose of this Bylaw.
- 13.2 A ticket shall be in such form as determined by the Town Council and shall state the section of this Bylaw which as contravened and the amount payable according to Schedule B of this Bylaw, or to section 13 (13.1) above, whichever applies, in the form accepted by the Town of Milk River in lieu of prosecution.
- 13.3 Upon presentation of a ticket, issued pursuant to this section, within ten (10) Days from the date of issue thereof, together with the payment to the Town of Milk River of the fee as provided on the ticket, the person to whom the ticket was issued shall not be liable for prosecution for the contravention in respect of which the ticket was issued.
- 13.4 Nothing in this section shall:
 - a. Prevent any person from exercising their right to defend any charge of committing a breach of the provisions of Sections 3, 4, 5, 8 and 10.
 - b. Prevent any person from laying an information and complaint against any other person for committing a breach of any of the provision of Sections 3, 4, 5, 8 and 10 of this Bylaw.
 - c. Prevent any Peace Officer or Bylaw Enforcement Officer appointed specifically to enforce the provisions of Sections 3, 4, 5, 8, and 10 of this Bylaw.
- 13.5 Where any person has made a payment to the provisions of this section and is prosecuted for the offence in respect of which such payment has been made, such payment shall be refunded.

14. Summary Conviction

A person who contravenes a provision of this Bylaw doing something which they are prohibited from doing, or by failing to do something which they are required to do, or by doing something in



a manner different from which they are required or permitted to do by this Bylaw, is guilty of an offence and liable, upon summary conviction, to fines set out in regulations passed pursuant hereto.

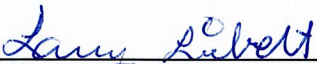
15. It is the intention of the Town Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is further the intention of the Town Council that if any provisions of this Bylaw be declared invalid, all other provisions thereof shall remain valid and enforceable.
16. Bylaw Number 971 is hereby repealed.
17. This Bylaw shall come into effect upon the date of the final reading thereof.

Read a first time this 11th day of July 2022.

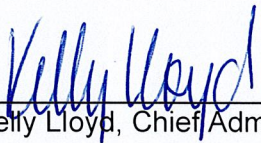
Read a second time this 11th day of July 2022.

Received Unanimous Consent for presentation of third reading this 11th day of July 2022.

Read a third and final time this 11th day of July 2022.



Larry Liebelt, Mayor



Kelly Lloyd, Chief Administrative Officer

SCHEDULE A
Bylaw 1037-22

LICENSE FEES

		<u>CATS</u>	<u>DOGS</u>
FEMALE:	UNSPAYED	\$5.00	\$30.00
	SPAYED	\$5.00	\$20.00
MALE:	UNSPAYED	\$5.00	\$30.00
	SPAYED	\$5.00	\$20.00
DOG FANCIERS LICENSE:		\$100.00	
VICIOUS DOG:		\$100.00	

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**SCHEDULE B
BYLAW 1037-22
ANIMAL CONTROL TICKET**

This ticket is issued for breach of section(s) _____ of the Town of Milk River Bylaw 1037-22.

Section 9

Penalty _____ \$500 (five hundred) for first offence
_____ \$1000 (one thousand) for second offence
_____ \$1250 (one thousand fifty) for 3rd and subsequent offence

Section 10.1

Penalty _____ \$150 for first offence
_____ \$250 for second offence
_____ \$400 for 3rd and subsequent offence

All Other Sections

Penalty _____ \$150 for first offence
_____ \$250 for second offence
_____ \$400 for 3rd and subsequent offences

Upon presentation of the Animal control ticket with in ten (10) Days from the date of service of the Animal control ticket, together with voluntary payment of the penalty indicated, prosecution will be waived.

Failure to do so will result in prosecution.

Payment to be made to: The Town of Milk River
PO Box 270
Town of Milk River, AB T0K 1M0

Name _____

Address _____

Date of Service of Ticket _____

Offence _____

Location of Offence _____ Time of Offence _____

Description of Animal _____ Male _____ Female _____

Animal Impounded: Yes _____ No _____

Ticket Issued By: _____ Receipt Number _____

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SCHEDULE C
BYLAW 1037-22
DOG FANCIER'S LICENSE APPLICATION FORM

Proposed License Holder's name(s): _____

Property address: _____

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

1. This application is limited to the following Dogs: Breed Tattoo or Microchip Registration Number
(Where applicable)

1.

2.

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

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

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

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

I certify that:

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

Dated this _____ day of _____, 20__.

_____ [Applicant's Signature]

_____ [Applicant's printed Name]

