



BYLAW # 414-20 Animal Control Bylaw

A BYLAW OF THE VILLAGE OF MILO, IN THE PROVINCE OF ALBERTA, TO ESTABLISH A BYLAW TO REGULATE AND CONTROL ANIMALS WITHIN THE MUNICIPALITY.

WHEREAS under the authority of the Municipal Government Act of Alberta, being Chapter M-26 of the Revised Statutes of Alberta, R.S.A. 2000 and amendments thereto, Section 7(h), the Council of a municipality may pass bylaws to regulate and control wild and domestic animals and activities in relation to them.

AND WHEREAS the Council of the Village of Milo deems it expedient to pass bylaw pursuant to Chapter M-26 of the Municipal Government Act, Revised Statutes of Alberta and amendments thereto,

NOW THEREFORE the Council of the Village of Milo enacts as follows:

1. TITLE

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

2. INTERPRETATION AND APPLICATION

In this Bylaw, unless the context otherwise requires:

2.1 "**Animal**" includes dogs, cats, birds, rabbits, reptiles and rodents.

2.2 "**Animal Control Officer**" means a person, firm or corporation appointed by the Village pursuant to the provisions of the Municipal Government Act and includes all Peace Officers of the Municipality.

2.3 "**Animal Service Centre**" means the facility established for the holding of impounded animals as set out in this Bylaw.

2.4 "**Bird**" includes ornamental bird, pigeon, fowl and poultry.

2.5 "**Former Owner**" means the person who at the time of the impoundment was the owner of the animal which has subsequently been sold or destroyed.

2.6 "**Guide Dog**" means a dog used by a blind or otherwise disabled person to assist them to avoid hazards.

2.7 "**Impound**" means to seize, deliver, receive or take into the Pound.

2.8 "**Impounded**" means seized, delivered, received or taken into the Pound.

2.9 "**Leash**" means a chain, harness, line or rope that is of sufficient strength to restrain the animal without breaking.

2.10 "**Ornamental Bird**" means any bird which is normally kept in a cage or aviary, primarily as a show or decorative bird, and without limiting the generality of the foregoing includes budgerigar, canary, cockatoo, myna bird, ornamental pheasant, parakeet and parrot, but does not include pigeon.

2.11 "**Owner**" means a natural person over the age of 18 or body corporate that has legal title to the animal and includes any person who has possession or custody of the animal, either temporarily or permanently, or harbors the animal, or allows the animal to remain on his/her premises.

2.12 "**Park**" means any public space used for rest, recreation, exercise, pleasure, amusement and enjoyment and includes but not limited to playgrounds, sports fields, campground and cemeteries.



- 2.13** "Peace Officer" includes a(n): RCMP Officer, a Peace Officer authorized to act within the Village, a Bylaw Enforcement Officer, or an Animal Control Officer.
- 2.14** "Police Dog" means any dog owned by a municipal police force or the Royal Canadian Mounted Police and which is trained to assist on police investigations.
- 2.15** "Rodent" means any animal of the order of Rodentia or any other small mammal kept as a pet and without limiting the generality of the foregoing includes ferret, gerbil, guinea pig, hamster and white mouse.
- 2.16** "Running at Large" means:
- 2.16.1 An animal which is not under the control of a person responsible by means of a leash and is or are actually upon property other than the property in respect of which the owner of the animal(s) has the right of occupation, or upon any highway, thoroughfare, street, road, trail, avenue, land, alley, square, bridge, causeway, trestle way, sidewalk (including the boulevard portion of the sidewalk), park or other public place; or
- 2.16.2 An animal which is under the control of a person responsible by means of a leash and which cause damage to persons, property or other animals.
- 2.17** "School Grounds" means any public or private school and surrounding property that is controlled by the school, school boards and/or the Village of Milo.
- 2.18** "Vicious Dogs" means any dog, whatever its age, whether on public or private property, which has:
- 2.18.1 Without provocation, chased injured or bitten any other domestic animal or human;
- 2.18.2 Without provocation, damaged or destroyed any public or private property;
- 2.18.3 Without provocation, threatened or created the reasonable apprehension of a threat to other domestic animals or humans;
- 2.18.4 Is a continuing threat of serious harm to other animals or humans;
- 2.18.5 Is specifically bred or trained for fighting purposes.
- 2.19** "Village" means the Village of Milo in the Province of Alberta

3. Offences and Responsibilities of Owner

- 3.1** The owner of an Animal is guilty of an offence if such Animal:
- 3.1.1 Runs at large;
- 3.1.2 Is without a collar and tag while off the premises of its Owner;
- 3.1.3 Is a female in heat and is not confined and housed in the residence of the Owner during the whole period of heat;
- 3.1.4 Defecates on any Public or Private Property other than the property of its Owner and the Owner or Person in control of the animal fails to immediately remove such defecation. This provision shall not apply to a registered guide dog while it is assisting a blind person;
- 3.1.5 Is on school property unless otherwise permitted or allowed by the School Board;
- 3.1.6 Is within a site containing playground apparatus and/or sand play area located on Public or Private Property other than the property of its Owner;
- 3.1.7 Barks or howls so as in the opinion of the Peace Officer based on information gathered to cause an unreasonable disturbance given, but not limited to, location, circumstances, time of day and duration;
- 3.1.8 Upsets or tears up any garbage bags or waste receptacles;
- 3.1.9 Damages Public or Private Property;
- 3.1.10 Chases any Person, animal, bicycle or motor vehicle;
- 3.1.11 Bites any Person or animal;
- 3.1.12 Attacks or injures any Person or animal.



- 3.2** The Owner of an Animal is guilty of an offence if the Owner:
- 3.2.1 Fails to provide identification (driver's license or other government issued identification with a picture) and proof thereof to a Peace Officer;
 - 3.2.2 Provides false or misleading information to a Peace Officer.
- 3.3** The Owner of an Animal is guilty of an offence if they allow any fecal matter to remain on their property or to accumulate to such an extent as to, in the opinion of the Peace Officer, constitute a nuisance by way of odor, unsightliness, or detrimental impact on the use, enjoyment and value of nearby properties.
- 3.4** No person shall own, possess or harbor more than a combination of four (4) animals within the Village unless:
- 3.4.1 The premises are lawfully used for the care and treatment of animals operated by and under the charge of a registered veterinarian;
 - 3.4.2 The owner is the holder of a valid and subsisting development permit to operate a kennel, animal hospital, shelter, pound or other animal operation as authorized by the Land Use Bylaw;
 - 3.4.3 The animals in excess of the limit are under eight (8) weeks of age and the offspring of a licensed Animal Residing at the same location.
- 3.5** The Owner of a Vicious Dog shall ensure that, without provocation, such dog does not:
- 3.5.1 Chase, injure or bite any other domestic animal or human;
 - 3.5.2 Damage or destroy any public or private property;
 - 3.5.3 Threaten or create the reasonable apprehension of a threat to other domestic animals or humans;
 - 3.5.4 Present a continuing threat of serious harm to other animals or humans.
- 3.6** When a Vicious Dog is on the property of the Owner, the Owner shall ensure that:
- 3.6.1 Such Dog is confined indoors and under the control of a person over the age of eighteen (18) years;
 - 3.6.2 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;
 - 3.6.3 The locked pen or other structure shall have secure sides and a secure top, and if it has no bottom secured to the sides, the sides must be imbedded in the ground to a minimum depth of thirty (30) centimeters;
 - 3.6.4 The locked pen or other structure shall provide the vicious dog with 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 of one and one half (1.5) meters in height;
 - 3.6.5 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;
 - 3.6.6 At each entrance to the property and building in or upon which the dog is kept, a sign notifying the vicious dog on premises must be posted so that it cannot be removed easily by passers by and will be visible and capable of being read from the sidewalk, street or lane abutting the entrance to the property or building.
- 3.7** When a Vicious Dog is not on the property of the Owner, the Owner shall ensure that at all times the vicious dog is:
- 3.7.1 Muzzled;
 - 3.7.2 Harnessed or leashed on a lead which length shall not exceed one (1) meter in a manner that prevents the vicious dog from chasing, injuring or biting other domestic animals or humans as well as preventing damage to public or private property;
 - 3.7.3 Under control of a person over the age of eighteen (18) years;
 - 3.7.4 The Vicious dog is not running at large.



3.8 Additionally, the Owner of a Vicious Dog shall:

- 3.8.1 Immediately notify the Village Office and/or the Bylaw Enforcement Officer if the Vicious Dog is running at large;
- 3.8.2 Remain liable for the actions of the dog until a formal notification of sale, gift or transfer is given to the Village Office.

3.9 An Owner of an animal suspected of having rabies shall immediately:

- 3.9.1 Report the matter to Agriculture Canada, Veterinary Inspection directorate or to the Peace Officer;
- 3.9.2 Confine or isolate the animal, in such manner as prescribed so as to prevent further spread of the disease;
- 3.9.3 Shall keep the animal confined for not less than ten (10) days at the cost of the Owner.

3.10 An Owner of an Animal that does not comply with the provisions of Part 4 of this Bylaw shall be subject to a penalty as provided in Schedule "A" of this Bylaw for each consecutive demand made by the Peace Officer.

4. Responsibility of Village Administration

4.1 The Peace Officer may seize and impound any animal found at large.

4.2 In the active pursuit of any animal while the animal is at large, any Peace Officer empowered to apprehend animals under this part is hereby authorized to enter upon any lands surrounding any building at all reasonable times.

4.3 No person, whether or not he is the Owner of an Animal which is being or has been pursued or captured shall:

- 4.3.1 Interfere with or attempt to obstruct a Peace Officer who was attempting to capture or who has captured any animal in accordance with the provisions of this Bylaw;
- 4.3.2 Unlock or unlatch or otherwise open the motor vehicle in which animals captured for impoundment have been placed, so as to allow or attempt to allow any animal to escape there from;
- 4.3.3 Remove or attempt to remove any animal from the possession of the Peace Officer.

4.4 The Village of Milo shall provide notice by letter or by the Peace Officer indicating that an animal or animals have been deemed to be Vicious Animal(s). If this determination is contested, this may be done so at the Provincial court. Any said costs associated with this proceeding would be solely the responsibility of the Owner.

5. Control of Cats

5.1 No person shall own, possess or harbor more than three (3) cats, over the age of 8 weeks on any parcel of land within the Municipality.

5.2 The owner of a cat must not permit, suffer or allow their cat to be at large.



6. Birds, Rabbits, Rodents and Other

- 6.1 Any person may keep not more than 4 (four) poultry, fowl or ornamental birds on any parcel of land in the Municipality provided that they are housed and enclosed at all times on the parcel on which they are kept.
- 6.2 Any person who is a member of a certified pigeon racing club may keep up to a maximum of six (6) racing pigeons provided that they are housed and enclosed at all times on the parcel on which they are kept and not allowed to stray, feed or roost on any public place and not allowed to trespass on private property.
- 6.3 Where any bird is housed in any building or enclosure, the building or enclosure must meet the minimum clearances from any property lines as required by the Land Use Bylaw.
- 6.4 No person shall own, possess or harbor more than four (4) rabbits and four (4) rodents over the age of twelve (12) weeks on any parcel of land.
- 6.5 The owner of any rabbit or rodent shall not allow their rabbit or rodent to be at large.
- 6.6 Where any rabbit or rodent is housed in any building or enclosure, the building or enclosure must meet the minimum clearances from any property lines as required by the Land Use Bylaw.
- 6.7 When away from the parcel of land on which it is kept or harbored a rabbit or rodent must be on a leash or confined in a suitable cage or pet carrier so as to prevent its escape.
- 6.8 No person shall keep animals in the Municipality other than dogs, cats, birds, rabbits and rodents and reptiles.

7. Penalties

- 7.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a penalty as set out in Schedule "A" herein.
- 7.2 Notwithstanding Section 8.1 of this Bylaw, any Person who commits a second or subsequent offence under this Bylaw within twelve (12) months of committing a first offence under this Bylaw, may be liable to an increased fine as set out in Schedule "A".
- 7.3 A Peace Officer is hereby authorized and empowered to issue a Violation Ticket to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 7.4 A Violation Ticket may be issued to such Person:
 - 8.4.1 Either personally;
 - 8.4.2 By mailing a copy to such Person at his/her last known Post Office address
- 7.5 The Violation Ticket shall be in a form approved by the Chief Administrative Officer and shall state:
 - 7.5.1 The name of the Owner;
 - 7.5.2 The offence;
 - 7.5.3 The appropriate penalty for the offence as specified in Schedule "B" of this Bylaw;
 - 7.5.4 That the penalty shall be paid within thirty (30) days of the issuance of the Violation Ticket to avoid possible persecution; and
 - 7.5.5 Any other information as may be required by the Chief Administrative Officer.
- 7.6 Where a Violation Ticket is issued pursuant to this Bylaw, the person to whom the Violation Ticket is issued may, in lieu of being prosecuted for the offence, pay the Village the penalty specified on the Violation Ticket.



- 7.7 Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.
- 7.8 The Peace Officer may enforce the provisions of this Bylaw, and where a Peace Officer has reasonable grounds to believe that a provision of this Bylaw has been contravened, the Peace Officer is authorized and empowered to immediately issue a Violation Ticket pursuant to Part 2 of the Provincial Offences Procedures Act, R.S.A 2000, c. P-34, as amended, to any Person who the Peace Officer has reasonable grounds to believe is responsible for the contravention.
- 7.9 Where a Violation Ticket has been issued to a Person pursuant to this Bylaw, that Person may plead guilty to the offence by submitting to a Clerk of the Provincial Court the specified penalty set out in the Violation Ticket at any time prior to the appearance indicated on the Violation Ticket.
- 7.10 The Violation Ticket shall be served upon the Person who is believed to be responsible for the contravention under the Bylaw in accordance with the provisions of the Provincial offences Procedures Act, R.S.A. 2000, c. P-34 as amended.
- 7.11 Should any Person be guilty of an offence for which no penalty is specified then such Person shall be liable upon summary conviction to a fine of not more than five thousand dollars (\$5,000) and not less than five hundred dollars (\$500).

8. Severability

- 8.1 Should any section of part of this Bylaw be found to have been improperly enacted, for any reason, then such section or part shall be regarded as being severable from the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this Bylaw.

9. Repeal of Bylaws

- 9.1 All previous and like bylaws and any amendments thereof are hereby repealed at the passing of this Bylaw.

10. Effective Date


- 10.1 This Bylaw shall come into force and effect on the final date of passing thereof.

Read a first time this 9th day of June, 2020

Read a second time this 11th day of August, 2020

Read a third time and passed this 11th day of August, 2020


Scott Schroeder, Mayor


Wendy Hingley, CAO



BYLAW #414-20
SCHEDULE "A"
FINES AND PENALTIES

	INFRACTION	FIRST OFFENCE	SECOND OFFENCE	SUBSEQUENT OFFENCES
PART 3				
Section 3.1.1 Section 6.2	Runs at large	\$150.00	\$300.00	\$500.00
Section 3.1.3	Fail to confine animal in heat	\$150.00	\$300.00	\$500.00
Section 3.1.4	Fail to immediately remove animal's defecation	\$150.00	\$300.00	\$500.00
Section 3.1.5	Animal on school property	\$150.00	\$300.00	\$500.00
Section 3.1.6	Animal in playground or sand area	\$150.00	\$300.00	\$500.00
Section 3.1.7	Animal barks or howls so as to disturb any person	\$150.00	\$300.00	\$500.00
Section 3.1.8	Animal upsets or tears up garbage or waste receptacles	\$150.00	\$300.00	\$500.00
Section 3.1.9	Animal damages public or private property	\$150.00	\$300.00	Court
Section 3.1.10	Animal chases any person, animal, bicycle or motor vehicle	\$250.00	\$500.00	Court
Section 3.1.11	Animal bites any person or animal	\$500.00	Court	Court
Section 3.1.12	Animal attacks or injures any person or animal	\$500.00	Court	Court
Section 3.2.1	Fail to provide identification	\$150.00	\$300.00	Court
Section 3.2.2	Providing false or misleading information	\$200.00	\$500.00	Court
Section 3.3	Allows animal fecal matter to accumulate on property	\$150.00	\$300.00	\$500.00
Section 3.4	Harboring, suffering or permitting more than 3 dogs at a residence	\$150.00	\$300.00	\$500.00
Section 3.5.1	Vicious dog chases, injures or bites any other domestic animal or human	\$500.00	Court	Court
Section 3.5.2	Vicious dog damages or destroys any public or private property	\$500.00	Court	Court
Section 3.5.3	Vicious dog threatens any other domestic animal or human	\$500.00	Court	Court
Section 3.5.4	Vicious dog presents a continuing threat of serious harm to other animals or humans	Court	Court	Court
Section 3.6.1	Vicious dog confined indoors and not under control of a person over 18 year of age	\$250.00	\$500.00	Court
Section 3.6.2	Failure to confine a Vicious Dog out of doors in an appropriate pen or other structure	\$250.00	\$500.00	Court
Section 3.6.3	Failure to maintain a pen or other structure for containing a vicious dog in the prescribed manner	\$250.00	\$500.00	\$1000.00
Section 3.6.4 Section 3.6.5	Failure to provide adequate shelter for a vicious dog	\$250.00	\$500.00	\$400.00
Section 3.7.1	Failure to muzzle a vicious dog	\$250.00	\$500.00	Court
Section 3.7.2	Failure to harness or leash a vicious dog	\$250.00	\$500.00	Court
Section 3.7.3	Failure to have a vicious dog under control of a person over 18 years of age	\$250.00	\$500.00	Court
Section 3.7.4	Vicious dog running at large	\$500.00	Court	Court
Section 3.8.1	Failure to notify authorities of a vicious dog running at large	\$500.00	\$1000.00	Court