

VILLAGE OF IRMA

BYLAW NO. 12-02

BEING A BYLAW OF THE VILLAGE OF IRMA, IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF LICENSING AND CONTROLLING ANIMALS WITHIN THE VILLAGE OF IRMA.

WHEREAS the Municipal Government Act, R.S.A. 2000, c. M-26 as amended, authorizes a municipality to pass bylaws respecting the safety, health and welfare of people and the protection of people and property and respecting wild and domestic animals and activities relating to them; and for each offence impose a fine.

WHEREAS the Municipal Government Act; RSA 2000 c. M-26 as amended, authorizes a municipality to pass bylaws regarding the remedying of contraventions of Bylaws;

WHEREAS it is desirable and in the best interest of the public to pass a bylaw to regulate and control domestic pets, animals and pests within the Village of Irma.

NOW THEREFORE, the Council of the Village of Irma in the Province of Alberta duly assembled under the authority of the Municipal Government Act as amended enacts the following:

1.0 TITLE AND DEFINITIONS

1.1 This bylaw shall be known as the "Animal Control Bylaw".

1.2 In this Bylaw the following definitions apply:

"Altered" means any domestic pet that has been spayed or neutered.

"Animal Control Officer" means the person, persons, firm or corporation appointed as such by the Village of Irma to do or act or perform duties under this bylaw.

"Animal Shelter" means the premises designated by the Village for the purpose of impounding and caring for nuisance animals.

"At Large" means if the nuisance animal is off the premises of the owner or harbourer.

"Council" means the Council for the Village of Irma.

“Domestic pet” means a canine or feline of either sex.

“Hen” means a female chicken.

"License Tag" means a metal tag issued to any owner of a domestic pet upon payment of the annual license registration fee.

“Livestock” means:

- a. Any farm animal including: horses, mule, donkey, swine, emu, ostrich, llama, alpaca, sheep or goat,
- b. Any domestically reared or kept deer, reindeer, moose, elk or bison,
- c. Any bred or wild fur bearing animal including fancy cats and skunks.
- d. Any animal of the bovine species.
- e. Any animal of the avian species including a rooster, turkey, duck, goose or pheasant, or any other fowl.
- f. Any animal deemed exotic by Council.
- g. Any other animal kept for agricultural purposes, but does not include a cat, dog or other domesticated household pets.
- h. Does not include hens.

“Muzzle” means any humane device, which prevents a dog from biting or otherwise injuring with its mouth any person, animal or property;

"Owner" means any person:

- a. owning, possessing, having charge of or control over or harbouring any domestic pet;
- b. Suffering or permitting any domestic pet to remain on or about the property owned or controlled by that person;
- c. A person to whom a license was issued for a domestic pet;
- d. A person as registered on the title at the Land Titles Office;
- e. A person who is recorded as the owner of the property on the Village of Irma assessment roll;
- f. A person controlling the property under construction or
- g. A person who is the occupant of the Property under lease, license, or permit.

“Peace Officer” means:

- a. A member of the Royal Canadian Mounted Police,
- b. A Special Constable
- c. A Bylaw Enforcement Officer
- d. An Animal Control Officer

“Unaltered” means any domestic pet that has not been spayed or neutered.

“Secure Enclosure” means a building, cage or fenced area of such construction that will not allow a confined animal or animals to escape from that enclosure.

“Vicious Dog” means:

- a. Any dog with a known propensity, tendency or disposition to attack without provocation any person or animal, or
- b. Any dog which has been deemed to be dangerous by a justice, under the provisions of the Dangerous Dogs Act, R.S.A. 2000, Chapter D-3 and amendments thereto.

“Village” means the Village of Irma.

2.0 LICENSING

- 2.1 No person shall own, keep or harbour any domestic pet within the Village limits unless such domestic pet is licensed with the Village. Failure to license a domestic pet will result in a fine outlined in Schedule A.
- 2.2 The owner of any domestic pet over the age of three (3) months in the Village must obtain a license each and every calendar year or be subject to a fine outlined in Schedule A.
- 2.3 The yearly license fee charged is outlined in Schedule B and owner must provide a written certificate from a veterinarian if the animal has been altered.
- 2.4 The license will be valid only for one (1) year and are due on the second working day of January each year, or on such other day during the year the animal becomes three (3) months of age, or in the possession of a resident of Irma, and kept within the Village limits.
- 2.5 Animal licenses must be obtained annually on the second working day of January each year at the Village office. Failure to re-license will result in a penalty outlined in Schedule A.
- 2.6 Where a license tag is lost, a replacement tag must be obtained at the Village Office on payment of the sum outlined in Schedule B.
- 2.7 The domestic animal must wear the license tag assigned to it after it has been licensed by the Village of Irma or be guilty of the penalty outlined in Schedule A.
- 2.8 The license is non-transferable to another animal and non-transferable from owner to owner.

3.0 SEIZURE, IMPOUNDMENT, DISPOSITION

- 3.1 No domestic pet or hen shall be permitted to run at large in the Village of Irma. Where an animal running at large can be identified, the animal control officer or peace officer will issue to the owner or harbourer thereof, a penalty in the amount outlined in Schedule A.
- 3.2 In addition to any penalty fines, pound fees and all other costs that will be assessed or levied to harbour and feed that impounded animal, including mileage, the peace officer's fees, in connection with the apprehension, transportation maintenance or disposal of any animal impounded shall be the responsibility of the owner or harbourer of the animal.
- 3.3 Any fines must be paid at the Village Office in lieu of prosecution.
- 3.4 The peace officer will keep any impounded animal confined for a period of seventy two (72) hours. If at the expiration of seventy two (72) hours, the animal has not been claimed, it shall be destroyed in a humane manner or offered for adoption through an approved association at the discretion of the peace officer.
- 3.5 During this impoundment period, any healthy animal can be redeemed by its owner or agent upon payment of all related fines and fees outlined in Schedule A and Schedule B.
- 3.6 When necessary, a peace officer may employ the use of humane holding devices to apprehend an animal.
- 3.7 No person will interfere with or attempt to obstruct a peace officer who is attempting to capture, or who has captured a domestic pet or hen which is subject to impoundment. Violators will be subject to the penalty outlined in Schedule A.

4.0 NUISANCE

- 4.1 Any owner who allows a domestic pet or hen to the below mentioned will be subject to the fines outlined in Schedule A:
 - a. Howl, bark, or make noise excessively or in a manner to unreasonably interfere with the use and/or enjoyment of one's property; or
 - b. Attempt to bite, bark at excessively, chase, or otherwise attempt to threaten any person, domestic animal, or livestock whether on the owner's property or not; or
 - c. Bark at excessively, or chase any bicycle, motor vehicle; or

- d. Upset any waste receptacles or scatter the contents thereof on any public property or on any private property not belonging to the owner; or
- e. Do any other act which causes harm, damage, or injury to another animal, person, or property.
- f. To defecate and not pick up after on property not privately owned by the owner of the animal.

4.2 No owner shall allow a domestic pet or hen to bite, scratch, attack, or cause other serious physical injury to another animal or person. Violators will be subject to the penalty outlined in Schedule A.

5.0 VICIOUS DOGS

- 5.1 If a peace officer reasonably believes that a domestic pet is a vicious dog, he/she may in writing inform the owner of that dog that:
- a. The dog has been determined to be a vicious dog; and
 - b. The dog must be kept in accordance with the vicious dog provisions of this bylaw.
- 5.2 Any person who is the owner of two or more vicious dogs over the age of three (3) months is guilty of an offence outlined in Schedule A.
- 5.3 An owner of a vicious dog must, at all times when the dog is on the property of the owner, post at each entrance to that property a clearly visible warning sign which warns that a vicious dog is on the property.
- 5.4 An owner who fails to post proper warning signs as required in section 5.3 is subject to the fine outlined in Schedule A.
- 5.5 An owner of a vicious dog is guilty of an offence under Schedule A:
- a. if the dog is not at all times while on the property of the owner confined within a secure enclosure, unless such dog is on a permitted leash held and controlled by the owner; or
 - b. If the vicious dog is taken off the property owned by the owner; the vicious dog must wear a muzzle and be on a permitted leash held and controlled by the owner.
- 5.6 In addition to the remedies set in this bylaw, if the peace officer determines that a vicious dog is not being kept in accordance with the provisions of this bylaw, they may file a complaint pursuant to the Dangerous Dog Act, R.S.A 2000, Chapter D-3, as amended, for an order directing the dog be controlled or destroyed.

- 5.7 If a person receives a notice under section 5.1 that his/her dog has been deemed a vicious dog, that person may appeal the notice to Council within fourteen (14) days of receiving the notice.
- 5.8 After receiving an appeal under section 5.7, Council may:
- a. Deem the dog to be a vicious dog; or
 - b. Withdraw the notice.
- 5.9 If no appeal has been made after thirty (30) days of a person receiving a notice under section 5.1, then the dog will be deemed to be a vicious dog, and the dog will be subject to the vicious dog provisions of this bylaw and the owner will be responsible for any fines outlined in Schedule A and any fees outlined in Schedule B.

6.0 NUMBER OF ALLOWABLE DOMESTIC PETS

- 6.1 No person, persons, firm or corporation shall harbour or allow being harboured more than two (2) domestic pets over the age of three (3) months per dwelling unit without written permission from Council. Violation will be subject to a fine outlined in Schedule A.

7.0 LIVESTOCK

- 7.1 No livestock shall be kept within the Village of Irma without the written permission of Council, anyone found in violation subject to fines outlined in Schedule A.

8.0 BEES

- 8.1 No bees, wasps, hornets shall be kept within the Village of Irma, without written permission from Council. Anyone found in violation be subject to penalties outlined in Schedule A.

9.0 HENS

- 9.1 No person shall keep a hen unless it has been registered at the Village office and issued an annual license and renewed following the guidelines in 2.4 on the upon payment the fee outlined in Schedule B or be guilty of a fine outlined in Schedule A.
- 9.2 No person shall keep more than four (4) hens per dwelling unit including chicks at any time or be subject to a fine outlined in Schedule A.

- 9.3 No roosters or male chickens are allowed in the Village of Irma. Anyone found in violation will be subject to a fine outlined in Schedule A.
- 9.4 Hen must be kept for personal use only and own consumption. No person shall personally sell eggs, manure, meat or other products derived from the hen.
- 9.5 Hens must be kept in a pen. The pen must have a run attached that is no bigger than 6ft long, 4ft wide and 6ft high. and must be approved by and issued a permit in Schedule C by the animal control officer upon payment of fee outlined in Schedule B.
- 9.6 The enclosure is to be roofed and at a minimum 0.929m² (10ft²) and 0.91m (3ft) high and at a maximum no bigger than 1.8m² (20ft²) and no more than 1.82m (6ft) high and must be approved and issued a permit in Schedule C by the animal control officer of fee outlined in Schedule A.
- 9.7 The enclosure must be cleaned, repaired, and maintained in a timely manner as mentioned in the permit in Schedule C.
- 9.8 Each hen must be confined to the enclosure and not allowed to roam free in the yard or be subject to a fine outlined in Schedule A.
- 9.9 The owner of any hen must provide food, water, shelter, light, ventilation, veterinary care, and opportunities for essential behavior to maintain the hen with good health.
- 9.10 The owner of any hen is subject to any fines and fees outlined in section 3.0 and if found in violation be subject to the corresponding fines outlined in Schedule A.
- 9.11 The owner of any hen is subject to ensure the hen is not violation of any nuisances outlined in section 4.0 or be subject of the corresponding fine outlined in Schedule A.
- 9.12 Any deceased hens must be disposed with in a sanitary and a humane manner.

10.0 SEVERBILITY

- 10.1 If any provision of this Bylaw is held to be invalid by a decision of a court of competent jurisdiction, that decision will not affect the validity of the remaining portions or sections.

11.0 REPEALED

11.1 Bylaw No. 96-04 and all amendments thereto is hereby repealed.

THIS BYLAW SHALL TAKE EFFECT ON THE DAY OF THE FINAL PASSAGE THEREOF.

Read a first time this _____ day of _____, A.D. 2012

Read a second time this _____ day of _____, A.D. 2012

Read a third time and finally passed this _____ day of _____, A.D. 2012

_____ Mayor

_____ CAO

**Schedule A
Animal Control Penalties**

Section	Description	Offences	Penalty	Vicious Dog Penalty
2.1/9.1	Failure to license animal		\$50.00	\$75.00
2.5	Failure to re-license animal		\$50.00	\$75.00
2.7	License tag not attached to animal		\$25.00	\$50.00
3.1	Animal running at large	1st Offence	\$25.00	\$50.00
		2nd Offence	\$50.00	\$100.00
		3rd Offence	\$75.00	\$150.00
3.2/ 9.10	Connected pound fees *In addition to the any penalty's, pound fees and all other costs that may be assessed or levied to harbour and feed that impounded animal, including mileage, Animal Control Officer fees, in connection with the apprehension, transportation maintenance. or disposal of any animal impounded shall be assessed to the owner or harbourer of the animal			
3.6/ 9.10	Obstructing animal control officer		\$100.00	\$150.00
4.1/ 9.11	Nuisances as outlined in section 4.1	1st Offence	\$25.00	\$50.00
		2nd Offence	\$50.00	\$100.00
		3rd Offence	\$75.00	\$150.00
4.2/ 9.11	Biting, attacking, and causing physical harm	1st Offence	\$100.00	\$200.00
		2nd Offence	\$150.00	\$250.00
		3rd Offence	\$250.00	\$300.00
5.5	Vicious dog not in a secure enclosure		N/A	\$150.00
5.5	Vicious dog not muzzled		N/A	\$150.00
6.1 / 5.1	Harbouring more than 2 animals over 3 months		\$50.00	\$100.00
7.1	Keeping livestock within Village limits.		\$50.00	N/A
8.1	Keeping bees, wasps or hornets with Village Limits		\$50.00	N/A
		3rd Offence	\$75.00	\$150.00
9.2	Keeping more than 4 hens.		\$50.00	n/a
9.3	Harbouring a rooster or male chicken.		\$100.00	n/a
9.8	Allowing chicken to roam outside of enclosure.		\$50.00	n/a

**Schedule B
Fees**

Description	Fee
Annual License Fee	
Altered	\$10.00
Unaltered	\$20.00
Vicious Dog	\$50.00
Hen	\$20.00
Hen Enclosure Permit Fee	\$50.00
Lost Tag	\$5.00

**Schedule C
HEN ENCLOSURE PERMIT
SECTION 9.0
Animal Control Permit Fee: \$50.00**

PERMISSION IS HEREBY GRANTED TO:

NAME: _____

ADDRESS _____

Postal Code: _____ **Phone Number** _____

FOR THE PURPOSE OF KEEPING HENS: _____

LOCATION: _____

DATE: _____ **20** _____

In accordance with Village of Irma Animal Control Bylaw

The undersigned applicant covenants and agrees with the Town as a term and condition of the permit to:

(a) The enclosure is to be roofed and at a minimum 0.929m² (10ft²) and 0.91m (3ft) high and at a maximum no bigger than 1.8m² (20 ft²) and no more than 1.82m (6 ft) high.

(b) Hens must be kept in a pen. The pen must have a run attached that is no bigger than 6ft long and 4ft wide and 6ft high.

(c) This Permit may be suspended or cancelled at any time at the discretion of a peace officer or by Village administration.

(d) The enclosure must be cleaned, repaired, and maintained in a timely manner.

(e) _____

Date: _____ **20** _____ **APPROVED/REFUSED**

Signature of Applicant

Animal Control Officer