

**TOWN OF HANNA
PROVINCE OF ALBERTA
BY-LAW 1035-2024**

A BYLAW OF THE TOWN OF HANNA, IN THE PROVINCE OF ALBERTA, TO REGULATE, CONTROL, LICENSE WILD AND DOMESTIC ANIMALS AND ACTIVITIES IN RELATION TO THEM.

WHEREAS the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, empowers a Municipal Council to pass a Bylaw for municipal purposes respecting the safety, health, and welfare of people, the protection of people and property, to regulate wild and domestic animals, and to provide for the confinements of certain animals within Town, and to regulate and control other animals.

AND WHEREAS the *Municipal Government Act* RSA 2000 Chapter M-26, empowers a Municipal Council to impose a fine for infractions of a Bylaw,

AND WHEREAS the *Municipal Government Act*, RSA 2000 Chapter M-26 empowers a Municipal Council to regulate or prohibit and provide for a system of licenses, permits or approvals.

NOW THEREFORE THE COUNCIL OF THE TOWN OF HANNA ENACTS AS FOLLOWS:

PART I ANIMAL CONTROL BYLAW

1. This bylaw shall be known as "ANIMAL CONTROL BYLAW".

PART II INTERPRETATIONS

- 2.1 In this Bylaw, words shall have the same meanings as in the *Municipal Government Act* except as otherwise defined below:

"Adjoining Neighbor" means an owner or occupant of a property that is contiguous to Subject Property along a common property line. If the subject property is located on a corner lot, an Adjoining Neighbor includes an owner or occupant of property that is adjacent to the Subject Property across a rear lane, but not across the street.

"Animal" means any bird, reptile, amphibian, or mammal excluding humans and Wildlife.

"Animal Health Act" means the *Animal Health Act*, SA 2007, C A-40.2 including regulations under that statute.

"At Large" means:

- i) An Animal or Animals which are not under the control of a Person responsible for using a Leash 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, thoroughfare, street, road, trail, avenue, parkway, lane, alley, square, bridge, causeway, trestle way, sidewalk (including the boulevard portion of the sidewalk), Park or other public place which has not been designated as an Off Leash Area, or
- ii) an Animal or Animals which are under the control of a Person responsible using a Leash and which cause damage to Persons, property, or other Animals.

"Attack" means force applied by an Animal to a Person or other Animal consisting of a bite, puncture, or laceration, resulting in bleeding, sprains, bruising, or multiple injuries.

"Bite" means force applied by an Animal by means of its mouth and teeth upon a Person or other Animal.

"Cemetery" means land within the Town and managed and controlled by The Town that is set apart or used as a place for the burial of dead human bodies or other human remains or in which dead human bodies or other human remains are buried.

"Certified Professional Dog Trainer" means a person specializing in training dogs who is certified by the Certification Council for Professional Dog Trainers.

"Chief Administrative Officer" means a person appointed to a position under the Municipal Government Act, or that persons designate as required.

"Collar" means a band of metal or material, which is of suitable size and strength that may be humanely placed around the neck of an animal.

"Communicable Disease" means a disease that affects animals and may be transmitted to other animals and/or human beings.

"Council" means the Council of the Town of Hanna.

"Dangerous Animal" means any animal at any age or sex which:

- i) shows a propensity, disposition or potential to attack or injure, without provocation, humans, or other animals,
- ii) without provocation, chases humans or other animals,
- iii) is a continuing threat of serious harm to humans or other animals,
- iv) without provocation, has attacked humans or other animals,
- v) a Municipal Officer determines on reasonable grounds to be a dangerous animal, either through personal observation or based on facts determined after an investigation initiated by a complaint.

"Dog" means either a male or female member of the canine family.

"Feral" means an animal that appears wild in nature and shows no signs of domestication.

"Former Owner" means the Person who at the time of impoundment was the Owner of an animal which has subsequently been sold or destroyed.

"Harness" means straps and fittings that are of suitable size and strength that may be humanely attached to the chest and back of an animal.

"Identification" means a functioning and/or clearly readable:

- i) microchip,
- ii) license tag,
- iii) vaccination tag,
- iv) tattoo,
- v) personal tag,
- vi) brand,

which is found on an animal and can be traced to current ownership information.

"Kennel" means any person, group of persons, firm or corporation that is an approved and currently licensed establishment, which is engaged in the business or recreation of breeding and/or boarding and/or selling of animals.

"Leash" means a tether of suitable strength that may be humanely attached to the collar or harness of an animal, in order that the animal's actions be controlled.

"License and/or Tag" means:

- i) a permanent identification tag issued by the Town showing the license number for a specific dog and that is intended to be worn on a collar or on a harness always attached to the dog when the dog is off the Owner's property,

"Livestock" means such animal that has been domesticated for agricultural use or pets including but not limited to; horse(s), cattle, sheep, swine, goat(s), mule(s), or any other hooved animal, as well as fowls, including pigeons, ducks, and turkeys, but shall not include dogs or cats.

"Microchip" means an encoded electronic device implanted in an animal by or under the supervision of a registered veterinarian, which contains a unique code number that provides owner information and is stored in a central database.

"Muzzle" means a humane fastening or covering device of adequate strength placed over the mouth of an animal to prevent it from biting.

"Owner" means any person, partnership, association, or corporation owning, possessing, having charge of, or care and control, over any animal; or harboring any animal; or suffering or permitting any animal to remain about the Owner's house or premises. For purposes of this Bylaw, an animal may have only one (1) owner.

"Park" means a public space controlled by the Town and set aside as a park to be used by the public for rest, recreation, exercise, pleasure, amusement, cultural heritage, education, appreciation of nature, and enjoyment and includes:

- i) Playgrounds,
- ii) Cemeteries,
- iii) Natural areas,
- iv) Sports Fields,
- v) Pathways,
- vi) trails, and
- vii) Park roadways,
- viii) School Ground,

But does not include Golf Courses

"Parkland" means all recreational land areas owned or controlled by the Town, lying within the Town limits, and whether improved in whole or in part, or in its natural state, and includes areas administered by the Town's Parks and Facilities Department and includes buildings or other improvements situated on these land areas.

"Pathway" means a multi-purpose thoroughfare controlled by The Town and set aside for use by pedestrians, cyclists and Persons using wheeled conveyances, which is improved by asphalt, concrete, gravel, or any other surface, whether it is in a park and includes any bridge or structure with which it is contiguous.

"Playground" means land within the Town and controlled by The Town upon which apparatus such as swings, and slides are placed.

"Municipal Officer" means any person authorized by the Town of Hanna to enforce this Bylaw. This includes individuals appointed under the Municipal Officer Act, as well as any Town employee designated by Town Council for duties related to animal control.

"Permit" means a permit issued under this Bylaw, as indicated under the Municipal Government Act.

"Person" includes any individual, corporation, society, association, partnership, or firm.

"Premises Identification (PID) Number" means a nine-character combination of numbers and letters issued by the Province of Alberta pursuant to the provisions of the *Animal Health Act* to owners of livestock.

"Provincial Offences Procedure Act" means the Provincial Offences Procedure Act, RSA 2000, C.P-34 as amended or appealed and replaced from time to time.

"Registered Veterinarian" means a registered veterinarian as defined in the Veterinary Profession Act.

"Residential District" means a designated residential district as per the Town of Hanna Land Use Bylaw.

"School Ground" means that area of land adjacent to a school and that is property owned or occupied by the Prairie Land Public School Division and includes property owned or occupied with another party or the Town.

"Sell" means to exchange or deliver for money or its equivalent.

"Service Dog" has the same definition as set out in the *Service Dog Act, S.A. 2007 c.S-7.5* and includes a dog that is in training to become a service dog but does not include dogs that are no longer actively being used as a service dog.

"Severe Injury" includes any injury to a Person or Animal that requires medical attention such as wounds requiring sutures, or other wound repair and closing, or surgery, disfiguring or scarring lacerations, broken bones, severe sprains, or any other similar serious injury, and any other injury as determined to be severe by a Provincial Court of Alberta, board, or Director upon hearing the evidence.

"Sign" means an inscribed board, structure or device serving for advertising or information and includes, without being limited to, freestanding signs, portable signs, and banners.

"ASPCA" means the Alberta Society for the Prevention of Cruelty to Animals.

"Sports Field" means land within the Town and controlled by The Town which is set apart and used for the playing of a sport including baseball diamonds, field hockey or cricket pitches, and rugby, soccer, or football fields.

"Subject Property" means a lot or parcel of land in respect of which a License is sought or has been issued.

"Tattoo" means a permanent visible marking on the skin of an animal created by or under the supervision of a registered veterinarian, which contains a unique code of letters and/or numbers that provide owner information recorded by a registered veterinarian and/or the Alberta Veterinarian's Medical Association and its national affiliates.

"Animal Shelter" or "Pound" means the premises designated by the Town for the purpose of impounding and caring for animals seized and/or regulated under this Bylaw.

"Town" means the Town of Hanna.

“Violation Tag” means a Town of Hanna issued notice that alleges an offence and provides a person the opportunity to pay an amount to the town in lieu of prosecution for the offence.

“Violation Ticket” means a violation ticket as defined in the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34.

PART III LICENSING

- 3.1 No person shall own, keep, or harbor any dog within the Town limits without a valid and current dog license.
- 3.2 The owner of every dog over six (6) months in the Town shall obtain a license tag and pay the associated fee as set out in **Schedule "A"**, attached to, and forming part of this Bylaw, as amended periodically.
- 3.3 Approved animal license tags are issued annually and must be renewed before January 30 of each calendar year. An animal with an expired tag is considered unlicensed.
- 3.4 To qualify for the reduced rate for spayed or neutered dogs, the owner must provide written proof from the veterinary facility that performed the procedure or supply a statutory declaration stating the dog is spayed or neutered.
- 3.5 Every person who becomes the owner of a dog over the age of six (6) months or who moves into the Town with an unlicensed dog over six (6) months old shall obtain a license and pay the license fee within one (1) month of acquiring ownership or taking up residence in the Town.

3.51 Section 3.5 does not apply to animal/pet rescues or shelters incorporated under the Alberta Societies Act or as defined by the Canada Income Tax Act, provide the organization complies with all other Town of Hanna Bylaws.

- 3.6 In the prosecution for a violation of this Bylaw, the burden of proving the dog's age shall rest with the owner. Unless proven otherwise, the dog shall be presumed to be at least six (6) months old.
- 3.7 Licenses issued under this Bylaw are non-transferable between animals or owners unless prior written approval is obtained from the Town Administration Office.
- 3.8 Upon payment of the license fee, the owner will be provided with a tag stamped with a unique number and the effective year.
- 3.9 The Town or Municipal Officer may revoke a license if:
 - i) the applicant fails to meet any condition of the License,
 - ii) incorrect or misleading information was provided in the application,

- iii) the License was issued in error,
- iv) the Owner breaches this Bylaw, or
- v) a Registered Veterinarian certifies the animal is a health risk.

3.10 If a license application is rejected, or an existing license is revoked or cancelled, the owner may submit a written appeal to the Town Administration Office with ten (10) days of receiving written notice. The appeal will be reviewed by the Town Council, which will provide a final decision within four (4) days of reviewing at a regularly scheduled council meeting.

If the appeal is unsuccessful, the owner must remove the animal from the Town or turn it over to a Municipal Officer for appropriate disposition within forty-eight (48) hours of receiving the final decision.

3.11 If a license tag is lost or stolen, the owner may obtain a replacement by paying the fee in **Schedule "A"** attached to and forming part of this Bylaw.

3.12 A license tag is invalid if it is not associated with current owner or animal information.

3.13 No person is entitled to a license rebate or refund under this Bylaw.

3.14 Every owner shall provide a suitable collar or harness and ensure that the license tag is securely fastened to it. License tags may be removed during grooming or other situations on the owner's property.

3.15 Animal license applications must include the following information:

- i) Owner's name, mailing address, street address, and contact number(s)
- ii) The owner must be at least eighteen (18) years old.
- iii) Dog's name, age, breed details, and description, and
- iv) Any additional information required for the application.

3.16 The Town Administration Office shall keep a record of all animal licenses issued under this Bylaw.

3.17 Every owner is responsible to notify the Town of any changes of address within fifteen (15) days.

Maximum Numbers

3.18 No person shall keep or harbor more than three (3) dogs at six (6) months or older, licensed or unlicensed, within any residence or premises in the Town.

3.19 Subsection 3.18 does not apply to:

- i) Premises used for animal care by a registered veterinarian,
- ii) Temporary premises for animal shows,
- iii) Organizations offering recognized training classes,
- iv) Licensed businesses operating a pet store, grooming parlour, or kennel in accordance with their license, or
- v) Dogs accompanying individuals in the Town for business or vacation for up to fourteen (14) days, or as extended with written permission.
- vi) Animal/pet rescues or shelters incorporated under the Alberta Societies Act or as defined by the Canada Income Tax Act, provided the organization is in compliance with all other Town of Hanna bylaws.

Kennels

- 3.20 No person shall operate a kennel in any residential district in the Town.

PART IV DANGEROUS ANIMALS

- 4.1 The Town will NOT permit or license any dangerous animals within its limits.
- 4.2 If an animal is designated as dangerous under this Bylaw, any existing license shall be revoked, and the owner must remove the animal from the Town as per subsection 2.9.

Threatening Behaviors

- 4.3 The owner shall ensure the animal does not:
- i) Bite, bark at, or chase livestock, animals, bicycles, vehicles, or people,
 - ii) Damage public or private property, with the owner responsible for repairs, and
 - iii) Engage in acts that injure or attack any person or animal, cause severe injury, or result in death to another animal.
- 4.4 An owner must not direct an animal to attack, chase, harass, or threaten anyone or any animal.

Duty to Report Bite

- 4.5 An owner shall report to a Municipal Officer within twenty-four (24) hours if their animal bites someone or another animal by:
- i) Providing their name and the animals license number to the person bitten or their animal, and,
 - ii) Filling out an Animal Bite Report with all events details.

PART V OWNERS RESPONSIBILITIES

Keeping Animals Under Control

- 5.1 This section applies to all animals unless specified otherwise.
- 5.2 No owner shall allow any animal to roam at large in the Town.
- 5.3 Unless in an off-leash area, an owner must keep their dog leashed at all times.
- 5.4 No animal, except a leashed dog, is permitted on parkland areas. .
- 5.5 Subsection 5.4 does not to animals participating in approved shows, contests, or events.

Removing Excrement

- 5.6 Each animal owner must remove their animals' faeces immediately from any area of their property.
- 5.7 Owners must carry a suitable bag or scooper and dispose of waste in a sanitary manner.
- 5.8 Premises where animals are kept must be clean and sanitary.
- 5.9 An owner with a registered guide dog is exempt from subsection 5.7 but should seek assistance to meet cleanliness requirements.

PART VI ENFORCEMENT

- 6.1 **Offences:** Violating this bylaw constitutes an offence, with daily fines applicable for ongoing violations.
- 6.2 **Vicarious Liability:** Employers and agents may also be held responsible if a violation occurs during employment or agency duties.
- 6.3 **Corporate and Partnership Accountability:** Individuals within corporations or partnerships involved in an offence may be personally liable, regardless of whether the business entity is prosecuted.
- 6.4 **Fines and Penalties:** Fines may reach up to \$10,000.00.
- 6.5 **Violation Tags and Tickets:** Authorized officers can issue violation tags or tickets, which can be served in person, by mail, or attached to vehicles.
- 6.6 **Obstruction:** Interfering with an officer's duties is prohibited.

- 6.7 **Compliance Orders:** Officers may issue orders to remedy violations, with specific actions and timelines for compliance. Orders can be served in person, by mail, or to a corporations registered office.

PART VII GENERAL

- 7.1 **Chief Administrative Officer (CAO) Authority:** The CAO or designate can perform inspections, enforce the bylaw, authorize restricted activities, establish permits, and set compliance criteria.
- 7.2 **Certified Records:** Certified records by the CAO serve as valid evidence in court.
- 7.3 **Licenses:** License holders must adhere to all conditions. Providing false information may result in immediate license cancellation.
- 7.4 **Proof of License:** Responsibility lies with the individual claiming a license to prove its validity.
- 7.5 **Severability:** If any part of the bylaw is invalidated, other provisions remain enforceable.

Repeals

- 8.1 The following Bylaw(s) are hereby repealed.

The Animal Control Bylaw #808-1993.

EFFECTIVE DATE

This Bylaw shall come into effect upon the day of third and final reading:

READ A FIRST TIME THIS 14 DAY OF MAY 2024.

Mayor Danny Povaschuk

Chief Administrative Officer
Matthew Norburn

READ A SECOND TIME THIS ___ DAY OF _____ 2024.

READ A THIRD TIME AND FINALLY PASSED THIS ___ DAY OF _____ 2024.

Mayor Danny Povaschuk

Chief Administrative Officer
Matthew Norburn