

DRAFT – SPECIAL AREAS ANIMAL CONTROL ORDER

In this Order:

1. DEFINITIONS

“Animal” means fowl, any domesticated mammal, any poisonous animals, or reptiles, or the young thereof.

“Animal Control Officer” means any Peace Officer, R.C.M.P. Officer, or Designate authorized by the Chair to enforce the provisions of this Order.

“Animal Hospital” means development used for the temporary accommodation and care or impounding of small animals and livestock within an enclosed building. This does not include animal breeding and boarding.

“At Large” means:

- a) A Cat, Dog, or Animal that is not under the control of the Owner and not on a Permitted Leash held by the Owner and is upon property, other than the property in respect of which the Owner of the Cat, Dog, or Animal has the right of occupation, such as any highway, street, laneway, boulevard, sidewalk, park, playground, public walking path, school ground, or other public place; or
- b) A Cat, Dog, or Animal which is under the control of the Owner and causes damage to individuals, other Cats, Dogs or Animals or private or public property.

“Cat” means either the female or male of any domesticated feline species.

“Chair” means the Chair of the Special Areas Board.

“Confined” means the confinement of a Cat, Dog, or Animal in a pen, cage, or building, or securely tethered in a manner that will not allow the Cat, Dog, or Animal to bite, harm, or harass any person or Animal.

“Damage to Property” means any Damage to Property other than the Owner’s property, with the damage being valued at more than ten (10) dollars by the Animal Control Officer.

“Day” means a continuous period of twenty-four (24) hours.

“Dangerous Dog” means a Dog that has been made the subject of an order under the *Dangerous Dogs Act*.

“Designate” means any person duly authorized by the Chair to enforce provisions of this Order.

“Dog” means either the male or female of any domesticated canine species.

“Dwelling Unit” has the same meaning as “Dwelling Unit” defined in the Special Areas 2, 3, and 4 Land Use Order as amended or replaced from time to time.

“Former Owner” means the person who was the Owner of a Cat, Dog, or Animal which subsequently has been sold or destroyed.

DRAFT – SPECIAL AREAS ANIMAL CONTROL ORDER

“Impoundment Services” means the impounding of Cats, Dogs, or Animals as set out in this Order, and for services as set out in any agreement between the Special Areas Board and an agency or contractor of animal impoundment services.

“Kennel” has the same meaning as “Kennel” defined in the Special Areas 2, 3, and 4 Land Use Order as amended or replaced from time to time.

“Owner” means any Person who:

- a) has the care, charge, custody, possession, or control of a Cat, Dog, or Animal either temporarily or permanently;
- b) owns or who claims any proprietary interest in a Cat, Dog, or Animal;
- c) owns or permits a Cat, Dog, or Animal to be present on any property owned, occupied or leased by them, or which is otherwise under their control;
- d) who claims and receives a Cat, Dog, or Animal from the custody of the Pound or an Animal Control Officer;
- e) who habitually (on a regular basis) feeds or waters a Cat, Dog, or Animal to enable it to survive, and for the purpose of this Order, a Cat, Dog, or Animal may have more than one (1) Owner.

“Owner’s Property” means any property in which the Owner of an Cat, Dog, or Animal has legal or equitable interest or over which the Owner of an Cat, Dog, or 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.

“Permitted Leash” means a leash, chain or other device used to restrain or control a Cat, Dog, or Animal that is not greater than two (2) meters in length.

“Pound” means the Pound established or utilized for the impounding of Cats, Dogs, or Animals as set out in this Order.

“Premises” means any land or building or any portion thereof and includes without restricting the generality of the foregoing, any dwelling unit, house, residence, room, office or place of business.

“Provincial Offences Procedures Act (POPA)” means the *Provincial Offences Procedures Act*, R.S.A. 2000, Chapter P-34, and the regulations thereof, as amended or replaced from time to time.

“Special Areas” means a special area constituted under the *Special Areas Act*.

“Special Areas Board” means a Special Areas Board as established under Section 29(1) of the *Special Areas Act*.

2. RESPONSIBILITIES OF CAT, DOG, AND ANIMAL OWNERS

- a) The Owner of a Cat, Dog, or Animal:
 - (i) Shall ensure the Cat, Dog, or Animal is not running At Large, and;

DRAFT – SPECIAL AREAS ANIMAL CONTROL ORDER

- (ii) Shall be deemed to have failed or refused to comply with the requirement of this Order unless proved that the Owner had taken all reasonable precautions either:
 - (1) To secure the Cat, Dog, or Animal to ensure that it would not be able to leave the premises of the Owner's Property, or
 - (2) To ensure that the Cat, Dog, or Animal was under the constant supervision of a person competent to control the Cat, Dog, or Animal at all times, by way of a Permitted Leash at all times when the Cat, Dog, or Animal was off the premises of the Owner.

3. LIMIT OF NUMBER OF CATS & DOGS

- a) This section shall apply only within the boundaries of any Hamlet located within the Special Areas No.2, 3 or 4.
- b) No more than four (4) Cats and four (4) Dogs shall be owned and kept at or in any one Dwelling Unit and no more than one (1) of the Dogs present at any one Dwelling Unit may be a Dangerous Dog at any time.
- c) A Person may keep or own more than four (4) Cats and four (4) Dogs in the following circumstances:
 - (i) Where the Premises are used for an Animal Hospital, Kennel, or Pound having the appropriate authorizations issued pursuant to the Special Areas 2, 3, and 4 Land Use Order as amended or replaced from time to time.

4. COMMUNICABLE DISEASES

- a) The Owner of a Cat, Dog, or Animal suffering from a communicable disease:
 - (i) Shall not permit the Cat, Dog, or Animal to be in any public place.
 - (ii) Shall not keep the Cat, Dog, or Animal in contact with or in the proximity to any other Cat, Dog, or Animal.
 - (iii) Shall keep the Cat, Dog, or Animal secured.

5. NUISANCE

- a) The Owner of a Cat, Dog, or Animal which is a nuisance in the opinion of the Animal Control Officer is guilty of an offence:
 - (i) An Owner whose Cat, Dog, or Animal 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 is guilty of an offence.
 - (ii) An Owner whose Cat, Dog, or Animal has caused Damage to Property within the Special Areas is guilty of an offence.
 - (iii) An Owner shall not permit the Cat, Dog, or Animal to be or become a public nuisance by:
 - (1) biting at or chasing a person or another Cat, Dog or Animal;
 - (2) biting at or chasing livestock, bicycles, automobiles, or other vehicles;
 - (3) allowing their Cat, Dog, or Animal to upset any waste receptacles or scattering the contents thereof.
 - (iv) An Owner shall not allow defecation matter to become a nuisance or unsightly on the Owner's Property, public property or other private property.

DRAFT – SPECIAL AREAS ANIMAL CONTROL ORDER

6. GENERAL PROHIBITIONS

- a) The Special Areas may post signs indicating those public property areas within the Special Areas where Cats, Dogs, or Animals are not permitted.
- b) No person shall tease, torment, annoy, abuse or injure any Cat, Dog, or Animal, and any person who does so is guilty of an offence.
- c) No person shall:
 - (i) Interfere with, hinder or obstruct an Animal Control Officer, or any person authorized by this Order, who is attempting to capture, or who has captured a Cat, Dog, or Animal which is subject to being impounded pursuant to the provisions of this Order.
 - (ii) Induce a Cat, Dog, or Animal to enter a house or other place where it may be safe from capture or otherwise assist the Cat, Dog, or Animal to escape capture.
 - (iii) Falsely make representation as being in charge or control of a Cat, Dog, or Animal so as to establish that the Cat, Dog, or Animal is not running At Large.
 - (iv) Untie, loosen or otherwise free a Cat, Dog, or Animal in which has been tied or otherwise restrained.
 - (v) Negligently or willfully open a gate, door or other opening in a fence or enclosure, such as a vehicle, in which a Cat, Dog, or Animal has been confined and thereby allow a Cat, Dog or Animal to run At Large.

7. DANGEROUS DOGS

- a) An Animal Control Officer may make an application for a Court Order pursuant to the provisions of the *Dangerous Dogs Act* to declare a Dog dangerous and request:
 - (i) The said Dog be declared a Dangerous Dog under the *Dangerous Dogs Act*; and
 - (ii) The said Dog be kept by the Owner in a proper way; or
 - (iii) The said Dog be destroyed; or
 - (iv) Any other conditions the Court declares for the Dog and Owner to abide by.
- b) Should a Court deem a Dog as a Dangerous Dog, Schedule C of this Order shall apply for any future violations.

8. POWERS OF ANIMAL CONTROL OFFICER

- a) The Powers of an Animal Control Officer will be as follows:
 - (i) An Animal Control Officer is authorized to take such reasonable measures as are necessary to subdue any Cat, Dog, or Animal which:
 - (1) is At Large, subject to the provisions of this Order;
 - (2) is a Nuisance, subject to the provisions of this Order.
 - (ii) A Cat, Dog, or Animal may be captured and impounded by the Animal Control Officer if there are reasonable grounds to believe an offence under this Order has been or is being committed;

DRAFT – SPECIAL AREAS ANIMAL CONTROL ORDER

- (iii) A Cat, Dog, or Animal may be captured and impounded by the Animal Control Officer if it is required under the provisions of any statute of Canada, or of the Province of Alberta, or any regulation made under those statutes.
- (iv) An Animal Control Officer may enter onto the land surrounding any building in pursuit of any Cat, Dog, or Animal which has been observed, contravening any section of this Order.
- (v) The Animal Control Officer may use any humane method to capture a Cat, Dog, or Animal and should the Cat, Dog, or Animal be hurt during capture or attempted capture, neither the Special Areas Board and its Council nor the Animal Control Officer shall be held liable for such injury.

9. IMPOUNDING, SALE AND/OR DESTRUCTION OF CATS, DOGS OR ANIMALS

- a) Impounding, sale and/or destruction of Cats, Dogs, or Animals will be as follows:
 - (i) If the Animal Control Officer knows or can ascertain the name of the Owner of the impounding Cat, Dog, or Animal, he/she shall serve the Owner with notification by leaving or mailing (registered mail) to the last known address of the Owner, and
 - (ii) An Owner of a Cat, Dog, or Animal to whom notice is mailed under the provisions of this section deemed to have received a Notice within ten (10) calendar days of the time it was delivered or mailed.
 - (iii) The Owner of any impounded Cat, Dog, or Animal may reclaim the Cat, Dog, or Animal by paying the fees set out in Schedule “A” of this Order.
 - (iv) Impoundment Services shall not sell or destroy an impounded Cat, Dog, or Animal until the following conditions are met:
 - (1) The Cat, Dog, or Animal has been retained in the pound for three (3) days after the Owner has received notice as per this Section;
 - (2) The Owner of the Cat, Dog, or Animal cannot be located or identified within seven (7) days of being impounded.
 - (v) Should the unclaimed Cat, Dog, or Animal be purchased, the purchaser shall obtain full right and title to it and the former owner of the Cat, Dog, or Animal shall cease to have ownership at the time of the sale. The purchaser shall pay any impoundment fees but will not be liable for any outstanding penalty fees.
 - (vi) If the Owner of a Cat, Dog, or Animal that is caught At Large requests his/her Cat, Dog, or Animal to be destroyed, the Owner shall put the request in writing, stating that he/she is the Owner and the Special Areas is relieved of any liability for having carried out his/her request. The Animal Control Officer, when the Owner has signed the appropriate written request, may have the Cat, Dog, or Animal disposed of or sold. The Owner shall pay the euthanasia fee, as set by the licensed veterinarian assigned to the task.

10. PENALTIES AND FEES

- a) Penalties and Fees for this Order will be as follows:
 - (i) Any person who contravenes any provision of this Order is guilty of an offence and is liable to a penalty as set out in Schedule “B” – Penalties of this Order.
 - (1) for a first offence, an amount not less than \$150.00 and not more than \$300.00 and

DRAFT – SPECIAL AREAS ANIMAL CONTROL ORDER

- (2) for a second and subsequent offence, an amount not less than \$300.00 and not more than \$600.00 and

In default of payment of the fine and costs, to a period of imprisonment not exceeding six (6) months unless the fine and costs including the costs of committal are sooner paid.

- (ii) Fees for impounding and feeding the Cat, Dog, or Animal shall be charges to the Owner of the Cat, Dog, or Animal at the rates set out in Schedule “A” – Fees of this Order.
- (iii) Where an Animal Control Officer believes that a person has contravened any provision of this Order, he/she may commence proceedings by issuing a summons by means of a Violation Ticket in accordance with Part 2 of the *Provincial Offences Procedures Act*.
- (iv) Where an Animal Control Officer issues a Violation Ticket in accordance with this Order, they may either;
- (1) Allow the Owner to pay the specified penalty as provided for in Schedule “B” -Penalties of this Order by indicating such specified penalty on the Violation Ticket; or
- (2) Require a court appearance of the Owner where an Animal Control Officer reasonably believes that such appearance is in the public interest, pursuant to the provisions of Part 2 of the *Provincial Offences Procedures Act*.
- (v) Where any person contravenes the same provision of this Order for a second or subsequent offence, the specified penalty payable in respect of the second or subsequent contravention is double the amount shown in Schedule “B” of this Order in respect of that provision; and
- (vi) Where any person contravenes any provision of this Order relating to a Dog that has been declared as a Dangerous Dog by a Provincial Court Judge, that person is guilty of an offence and is liable to a penalty as set out in Schedule “C” of this Order.
- (vii) Where any person contravenes the same provision of this Order relating to a Dog that has been declared a Dangerous Dog by a Provincial Court Judge for a second or subsequent offence, the specified penalty payable in respect of the second or subsequent contravention is double the amount shown in Schedule “C” of this Order.
- (viii) A Provincial Court Judge, in addition to the penalties provided in Schedule “B” of this Order may, if the offence is sufficiently serious, direct or order the person that owns, keeps, maintains, or harbours a Cat, Dog, or Animal to stop the Cat, Dog, or Animal from doing mischief, causing a disturbance or nuisance complained of, or to have the Cat, Dog, or Animal removed from the Special Areas or to have the Cat, Dog, or Animal destroyed or otherwise disposed of.
- (ix) The levying and payment of any fine for the imprisonment for any period in this Order shall not relieve a person from the necessity of paying any fees, charges, or costs for which the Person is liable pursuant to the provisions of this Order.

SCHEDULE “A”

FEEES

DRAFT – SPECIAL AREAS ANIMAL CONTROL ORDER

Impoundment Fee	Cost
Impoundment Fee for Dangerous Dog	Cost plus \$250.00
Care and Sustenance Fees	Cost
Veterinary Fee	Cost

The amounts paid to the Special Areas by the Owner of a Cat, Dog, or Animal in order to reclaim the Cat, Dog, or Animal shall be the actual amounts incurred by the Special Areas in providing care to the Cat, Dog, or Animal, including but not limited to the Impoundment Fee, Care and Sustenance Fees, and Veterinary Fees.

DRAFT – SPECIAL AREAS ANIMAL CONTROL ORDER

SCHEDULE “B”

PENALTIES

S.2	Cat, Dog, or Animal At Large	1 st Offence	\$150.00
S.3(a)	More than 4 Cats and/or 4 Dogs	1 st Offence	\$150.00
S.4	Cat, Dog, or Animal with communicable disease	1 st Offence	\$150.00
S.5(a)(i)	Cat, Dog, or Animal Habitually barking/howling Disturbing the peace	1 st Offence	\$150.00
S.5(a)(ii)	Cat, Dog, or Animal Causes Damage to Property	1 st Offence	\$150.00
S.5(a)(iii)	Cat, Dog or Animal bites, chases	1 st Offence	\$150.00
S.5(a)(iv)	Cat, Dog or Animal defecation violations	1 st Offence	\$150.00
S.6(b)	Teasing, Tormenting, Abuse, Injure	1 st Offence	\$150.00
S.6(c)	Hinder, interfere with Animal Control Officer	1 st Offence	\$150.00
Offences not specifically listed		1 st Offence	\$150.00

DRAFT – SPECIAL AREAS ANIMAL CONTROL ORDER

**SCHEDULE “C”
DANGEROUS DOGS**

Running At Large	\$1,000.00
Chasing, injuring or biting a person or Animal	\$1,000.00
Damaging or destroying property	\$1,000.00
Failure to keep under control of an adult person (if required)	\$1,000.00
Failure to keep confined (if required)	\$1,000.00
Failure to keep muzzled, harnessed or leashed (if required)	\$1,000.00
Improper pen or other structure (if required)	\$1,000.00
Failure to tattoo, implant electronic ID (if required)	\$1,000.00