



ALBERTA
MUNICIPAL AFFAIRS

*Office of the Minister
MLA, Leduc-Beaumont*

MINISTERIAL ORDER NO. MSL:001/19

I, Shaye Anderson, Minister of Municipal Affairs, pursuant to Sections 7(h), 7(i), and 587 of the *Municipal Government Act*, and Section 6(1) of the *Special Areas Act*, make the following order:

1. This Order shall be known as the Special Areas Animal Control Order.
2. The Schedule attached hereto is deemed to be part of this Order.
3. Ministerial Order No. MSL:001/19 shall come into effect on the date of signing.

Dated at Edmonton, Alberta, this 5th day of February, 2019.

Shaye Anderson
Minister of Municipal Affairs

Schedule to Ministerial Order No. MSL: 001/19

Special Areas Animal Control Order

In this Order:

1. DEFINITIONS

“Animal” means fowl, any domesticated mammals (including cats and dogs), any poisonous animals, or reptiles.

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

“At Large” means:

- a) An 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 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) An Animal which is under the control of the Owner and causes damage to individuals, other Animals or private or public property.

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

“Confined” means the confinement of an Animal in a pen, cage, or building, or securely tethered in a manner that will not allow the 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.

“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 an Animal which subsequently has been sold or destroyed.

“Impoundment Services” means the impounding of 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 an Animal either temporarily or permanently.
- b) owns or who claims any proprietary interest in an Animal.
- c) owns or permits an 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 an Animal from the custody of the Pound or an Animal Control Officer.

“Owner’s Property” means the property of the Owner which includes the legal and equitable interest of real and personal property.

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

“Pound” means a facility established or used for the impounding of 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, residence, room, office or place of business.

“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 ANIMAL OWNERS

- a) The Owner of an Animal:
 - (i) shall ensure the Animal is not At Large.
 - (ii) shall take all reasonable precautions either:
 - (1) to secure the Animal to ensure that it would not be able to leave the premises of the Owner's Property, or
 - (2) to ensure that the Animal was under the constant supervision of a person competent to control the Animal at all times, by way of a Permitted Leash at all times when the 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) An Owner shall not have more than four (4) cats and four (4) dogs no more than one (1) of the dogs present may be a Dangerous Dog at a Dwelling Unit at any time.
- c) An Owner may have 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.
 - (ii) where a cat or a dog has a litter of young and the young are under three months of age.
 - (iii) where an Owner has received written permission from the Special Areas Board.
- d) The Special Areas Board may include terms and conditions in its written permission referred to in section 3(c)(iii). If the owner fails to comply with the terms of the written permission, the Special Areas Board may revoke the permission and the Owner will have to comply with the requirements of this Order including the number of cats and dogs.

4. COMMUNICABLE DISEASES

- a) The Owner of an Animal suffering from a communicable disease:
 - (i) shall not permit the Animal to be in any public place.
 - (ii) shall not keep the Animal in contact with or in the proximity to any other Animal.
 - (iii) shall keep the Animal secured.
- b) Subclause 4(a) does not apply if the Animal is being transported or treated at 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.

5. NUISANCE

- a) An Owner of an Animal which is a nuisance in the opinion of the Animal Control Officer is guilty of an offence.
- b) An Owner whose Animal creates a disturbance by habitual barking, howling or other noise, is guilty of an offence.
- c) An Owner whose Animal has caused Damage to Property within the Special Areas is guilty of an offence.
- d) An Owner is guilty of an offence if their Animal becomes a public nuisance by:
 - (i) biting at or chasing a person or another Animal;
 - (ii) biting at or chasing livestock, bicycles, automobiles, or other vehicles; or
 - (iii) allowing their Animal to upset any waste receptacles or scattering the contents thereof.
- e) An Owner allowing defecation matter from their Animal to become a nuisance or unsightly on the Owner's Property, public property or other private property is guilty of an offence.

6. GENERAL PROHIBITIONS

- a) Any person who permits Animals in areas where animals are prohibited by the Special Areas is guilty of an offence
- b) No person shall tease, torment, annoy, abuse or injure any Animal, and any person who does so is guilty of an offence.
- c) Any person is guilty of an offence who:
 - (i) interferes with, hinders or obstructs an Animal Control Officer, or any person authorized by this Order, who is attempting to capture, or who has captured an Animal which is subject to being impounded pursuant to the provisions of this Order.

- (ii) induces an Animal to enter a house or other place where it may be safe from capture or otherwise assists the Animal to escape capture.
- (iii) falsely makes representation as being in charge or control of an Animal so as to establish that the Animal is not At Large.
- (iv) unties, loosens or otherwise frees an Animal which has been tied or otherwise restrained.
- (v) negligently or willfully opens a gate, door or other opening in a fence or enclosure, such as a vehicle, in which an Animal has been confined and thereby allows an Animal to be 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) a dog be declared a Dangerous Dog under the *Dangerous Dogs Act*; and
 - (ii) a dog be kept by the Owner in a proper way;
 - (iii) a 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, Appendix 3 of this Order shall apply for any future violations.

8. POWERS OF ANIMAL CONTROL OFFICER

- a) An Animal Control Officer is authorized to take such reasonable measures as are necessary to subdue any Animal which:
 - (i) is At Large, subject to the provisions of this Order; or
 - (ii) is a Nuisance, subject to the provisions of this Order.
- b) An 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.
- c) An Animal Control Officer may capture and impound an Animal required under the provisions of any statute of Canada, or of the Province of Alberta, or any regulation made under those statutes.
- d) An Animal Control Officer may enter onto the land surrounding any building in pursuit of any Animal which has been observed, contravening any section of this Order.

9. IMPOUNDING, SALE AND/OR DESTRUCTION OF ANIMALS

- a) An impounded Animal may be sold or destroyed as follows:
 - (i) The Owner of any impounded Animal may reclaim the Animal by paying the fees set out in Appendix 1 of this Order.
 - (ii) Impoundment Services shall not sell or destroy an impounded Animal until the following conditions are met:
 - (1) the 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 Animal cannot be located or identified within ten (10) days of being impounded.
 - (iii) Should the unclaimed Animal be purchased, the purchaser shall obtain full right and title to it and the former owner of the 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.
- b) If the Animal Control Officer knows or can ascertain the name of the Owner of the impounded Animal, the Animal Control Officer shall serve the Owner with notification that the Owner's Animal has been impounded. Notification may be served by leaving or mailing (by registered mail) to the last known address of the Owner. An Owner to whom notice is mailed under the provisions of this section is deemed to have received the notice within ten (10) calendar days of the time it was delivered or mailed.

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:
 - (1) Appendix 2 – Penalties (Animals) of this Order and
 - (2) Appendix 3 – Penalties (Dangerous Dogs) of this Order andin 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 paid sooner.
 - (ii) For greater clarity, 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 Appendix 3 of this Order.
 - (iii) For greater clarity, where any person contravenes the same provision of this Order, within 12 months of their last offence, the specified penalty payable in respect to the subsequent offence is double the amount of the original offence as set out in the Appendices of this Order.

- (iv) Fees for impounding and feeding the Animal shall be charged to the Owner of the Animal at the rates set out in Appendix 1 – Fees of this Order.
- (v) Where an Animal Control Officer believes that any person has contravened any provision of this Order, the Animal Control Officer may commence proceedings by issuing a summons by means of a Violation Ticket in accordance with the *POPA*.
- (vi) Where an Animal Control Officer issues a Violation Ticket in accordance with this Order, the Owner may either;
 - (1) pay the specified penalty as provided for in the Appendices of this Order by indicating such specified penalty on the Violation Ticket; or
 - (2) be required at a court appearance where an Animal Control Officer reasonably believes that such appearance is in the public interest, pursuant to the provisions of the *POPA*.
- (vii) A Provincial Court Judge, in addition to the penalties provided in the appendices of this Order may, if the offence is sufficiently serious, direct or order the person that owns, keeps, maintains, or harbours an Animal to stop the Animal from doing mischief, causing a disturbance or nuisance complained of, or to have the Animal removed from the Special Areas or to have the Animal destroyed or otherwise disposed of.
- (viii) The levying and payment of any fine for the imprisonment for any period in this Order shall not relieve any person from the necessity of paying any fees, charges, or costs for which the person is liable pursuant to the provisions of this Order.

Appendix 1

FEES

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 an Animal in order to reclaim the Animal shall be the actual amounts incurred by the Special Areas in providing care to the Animal, including but not limited to the Impoundment Fee, Care and Sustenance Fees, and Veterinary Fees.

Appendix 2
PENALTIES (ANIMALS)

		<u>1st Offence</u>	<u>Subsequent Offence(s)</u>
S.2	Animal At Large	\$150.00	\$300.00
S.3	More than 4 cats and/or 4 dogs	\$150.00	\$300.00
S.4	Animal with communicable disease	\$150.00	\$300.00
S.5(b)	Animal habitually barking/howling disturbing the peace	\$150.00	\$300.00
S.5(c)	Animal Causes damage to property	\$150.00	\$300.00
S.5(d)	Animal bites, chases	\$150.00	\$300.00
S.5(e)	Animal defecation violations	\$150.00	\$300.00
S.6(a)	Animal where prohibited	\$150.00	\$300.00
S.6(b)	Teasing, tormenting, abuse, injure	\$150.00	\$300.00
S.6(c)(i)	Hinder and interfere with Animal Control Officer	\$150.00	\$300.00
Offences not specifically listed		\$150.00	\$300.00

Appendix 3
PENALTIES (DANGEROUS DOGS)

	<u>1st Offence</u>	<u>Subsequent Offence(s)</u>
At Large	\$1,000.00	\$2,000.00
Chasing, injuring or biting a person or Animal	\$1,000.00	\$2,000.00
Damaging or destroying property	\$1,000.00	\$2,000.00
Failure to keep under control of an adult person (if required)	\$1,000.00	\$2,000.00
Failure to keep confined (if required)	\$1,000.00	\$2,000.00
Failure to keep muzzled, harnessed or leashed (if required)	\$1,000.00	\$2,000.00
Improper pen or other structure (if required)	\$1,000.00	\$2,000.00
Failure to tattoo, implant electronic ID (if required)	\$1,000.00	\$2,000.00