



## **BYLAW 456-24**

### **A BYLAW OF THE TOWN OF COALHURST IN THE PROVINCE OF ALBERTA “RESPECTING RESPONSIBLE ANIMAL CONTROL AND OWNERSHIP”**

**WHEREAS**, section 7(h) of the Municipal Governments Act, R.S.A 200, chapter M.26 and amendments thereto, allows a municipality to pass bylaws regulating and controlling wild and domestic animals and activities in the relation to them.

**WHEREAS** Section 7(i) of the Municipal Government Act R.S.A 2000, Chapter M.26 and amendments thereto allows a municipality to impose fines and penalties for infraction of bylaws.

**NOW THEREFORE, the Council of the Town of Coalhurst, in the Province of Alberta duly assembled,**

HEREBY ENACTS AS FOLLOWS:

#### **SECTION 1: TITLE:**

- 1.1 THIS BYLAW SHALL BE KNOWN AS THE RESPONSIBLE ANIMAL CONTROL AND OWNERSHIP  
BYLAW No. 456-24**

#### **SECTION 2: DEFINITIONS**

In this bylaw, unless the context otherwise requires, the word, term, or expressions:

- 2.1 “ANIMAL”** shall mean any dog, cat, indoor pet, farm animal, including poultry, and chicken hens.
- 2.2 “ABANDON”** shall mean to leave an animal without the means of protection, support, food, or water.
- 2.3 “ANIMAL CARE SERVICE, SMALL”** means development for the on-site treatment and/or grooming of small animals such as household pets, where on-site accommodation may be provided and where all care and confinement facilities are enclosed within one particular building. This use may also include the supplementary sale of associated animal products. Typically, this use will include pet grooming salons, pet clinics, veterinary offices, and animal rescues.
- 2.4 “ANIMAL CONTROL OFFICER”** shall mean any person duly designated by the Chief Administrative Officer to carry out the provisions of this bylaw.
- 2.5 “AGGRESSIVE DOG”** shall mean any dog that without provocation, shows a propensity or disposition to attack and injure humans or other animals, or without provocation attacks or bites any human or animal.
- 2.6 “ATTACK”** shall mean to hurt, set upon, damage, injure, severely threaten, or harm a person or animal through physical violence or threatened physical violence.

- 2.7** **“CAT”** shall mean and includes both male and female of the domestic feline family over three (3) months of age.
- 2.8** **“CAT FANCIERS LICENSE”** shall mean a license issued annually to an owner(s) permitting the keeping or harbouring, on land or premises occupied by the owner(s), more than three (3) cats over the age of three (3) months, up to a maximum of five (5) cats.
- 2.9** **“CHIEF ADMINISTRATIVE OFFICER” or “CAO”** shall mean the Chief Administrative Officer of the Town appointed by Council in accordance with the provisions of the Municipal Government Act, R.S.A. 2000, Chapter M-26.
- 2.10** **“DAMAGE TO PROPERTY”** shall mean damage to property other than the owner’s property and includes defecating and urinating on such property.
- 2.11** **“DISTRESS”** shall mean when an animal is deprived of adequate shelter, ventilation, space, food, water, veterinary care, or reasonable protection from injurious heat or cold, or injured, sick, in pain or suffering, or abused or subjected to undue hardship, absence of privation or neglect.
- 2.12** **“DOG”** shall mean and include both male and female of the domestic Canine family over three (3) months of age.
- 2.13** **“DOG FANCIERS LICENSE”** shall mean an additional license issued annually to an owner(s) permitting the keeping or harbouring, on land or premises occupied by the owner(s), three (3) licensed dogs over the age of three (3) months.
- 2.14** **“DWELLING”** shall mean house, apartment, abode, home, premise, condo, suite, or any place suitable and permitted to be used as a residence.
- 2.15** **“EXCESSIVE BARKING”** Shall mean barking, whining, or howling by a dog that startles, disturbs, annoys, or detracts from the comfort, health, peaceful enjoyment or safety of other persons for a period longer than 15 minutes.
- 2.16** **“FARM ANIMAL”** without restricting the generality of its meaning, will be deemed to include animals such as horses, cattle, sheep, goats, pigs, llamas and any other exotic breed or any other farm type animal.
- 2.17** **“HEN”** shall mean a female chicken over the age of 16 weeks.
- 2.18** **“INDOOR PET”** shall mean commonly accepted household pets such as cats, dogs, rabbits, hamsters, fish, gerbils, guinea Pigs, cage birds, ferrets, pygmy goats, hedgehogs, non-poisonous reptiles, and amphibians typically housed in a cage or enclosure.
- 2.19** **“LEASH”** shall mean a tether, rope, chain, or device attached to an animal’s collar around the neck, or the body and attached to a person or structure designed to control the animal from running freely or keep an animal in a designated space or area.
- 2.20** **“MUNICIPALITY”** shall mean the Town of Coalhurst.
- 2.21** **“MUNICIPAL COUNCIL”** shall mean the Municipal Council for the Town of Coalhurst.

- 2.22** **“NUISANCE CAT”** is a domesticated cat that is subject to three or more convictions within the previous twelve months for running at large or damaging public or private property.
- 2.23** **“NUISANCE DOG”** is a dog that is subject to three or more convictions within the previous twelve months for any combination of the following offences: excessive barking, failure to control or leash a dog while off the owner's property or a dog caught running at large.
- 2.24** **“OWNER”** shall mean the person who has legal title to an animal and/or includes any person who has possession and custody of the animal, or harbours the animal, or permits the animal to remain on their property, or a temporary caretaker of the animal.
- 2.25** **“PEACE OFFICER”** shall mean a member of the Royal Canadian Mounted Police, a Community Peace Officer as appointed by the Solicitor General of Alberta as appointed by the Town to enforce bylaws of the town.
- 2.26** **“POULTRY”** shall mean, turkeys, ducks, peacocks, ostriches, geese, pheasants, guinea fowl, pigeons, quail, male chickens, hens under the age of 16 weeks old, or any other bird not a chicken hen.
- 2.27** **“POUND”** shall mean a place that the Municipality provides or designates as such.
- 2.28** **“POUND KEEPER”** is a Peace Officer, Animal Control Officer, Bylaw Officer, or employee of the Town of Coalhurst or a volunteer of the Town of Coalhurst.
- 2.29** **“RUNNING AT LARGE”** shall mean any animal off the premises of its owner that is not in direct control of its owner or on a leash held by a person moving freely without supervision of its owner.
- 2.30** **“SERVICE DOG”** shall mean a certified guide dog, special needs dog, hearing dog, or Police service dog.
- 2.31** **“STERILIZE”** shall mean any female dog or cat that has been spayed or any male dog or cat that has been neutered.
- 2.32** **“TAG”** shall mean a device issued by the Town when a dog is registered with the Town.
- 2.33** **“TOWN”** shall mean the Town of Coalhurst.
- 2.34** **“TRAP”** shall mean a device or enclosure designed to catch and retain animals, typically by allowing entry but not exit or by catching hold of a body part.
- 2.35** **“TRAPPING”** shall mean the act of trapping a domestic or wild animal.

### **SECTION 3: GENERAL RULES**

- 3.1** No person shall keep anywhere within the limits of the Town of Coalhurst, any species of farm animal or poultry (excepting chicken hens), unless animals are kept on property under veterinarian care, or are consigned to an abattoir for killing, or are being exhibited or used during sanctioned events approved by the town.

- 3.2** Every person who lives in the Town of Coalhurst and who owns a dog must register the dog with the town:
- a) within 30 days of becoming owner of the dog or taking up residence in the town, and
  - b) renew the licence every year thereafter on or before July 31<sup>st</sup> each year.
  - c) Section 3.2 of this bylaw applies to all dogs three months or older.
- 3.3** The maximum number of dogs allowed to live on a property in the Town of Coalhurst shall be limited to two (2) dogs, unless a dog owner has been approved for, and is in possession of a Dog Fanciers License.
- 3.4** The maximum number of cats over the age of three (3) months allowed to live on a property in the Town of Coalhurst shall be restricted to three (3), unless an owner has been approved for and is in possession of a Cat Fanciers License.
- 3.5** No person who is the owner, possessor or harbourer of any animal shall permit or otherwise allow such animal to run at large within the corporate limits of the Town of Coalhurst.
- 3.6** All owners shall only walk or exercise their dog within the Town of Coalhurst on a leash or in a designated off-leash dog park.
- 3.7** No person shall allow any dog on their premises to disturb persons in the vicinity of their home by reason of excessive barking. For barking to be in violation of this Bylaw, it must be frequent and persistent and, disturbing to the neighbourhood (more than one complaint), unless otherwise determined, at the discretion of a Peace Officer.
- 3.8** No owner of an animal shall allow damage to property not their own, by permitting their animal to defecate, spread garbage, dig, scratch, claw, chew, or do any other act which causes property damage.
- 3.9** No person shall untie or otherwise free an animal which is not in distress, unless such person has authorization of the owner.
- 3.10** No person shall trap any animal within the Town of Coalhurst unless that person is:
- a) a Town Bylaw Officer, Community Peace Officer, Agent, or contractor for the Town or has been given authorization by the Town.
  - b) a Fish and Wildlife Officer in the course of their duties.
  - c) on the property owned, rented, leased, or managed by the person trapping, and animals trapped cannot become distressed.
  - d) no trap shall kill or injure animals, except for mouse traps.
- 3.11** A person trapping on private property must contact the Town Bylaw Officer/Animal Control Officer/Peace Officer if a dog or cat is trapped. All dogs and cats that have been trapped must be reported or turned over to the Town Bylaw Officer/Animal Control Officer/Peace Officer at a reasonable time. The person trapping is responsible for the care of the animal until it can be picked up by a Peace Officer or taken to a shelter.
- 3.12** No person shall tease, torment, annoy, abuse, neglect, or injure any animal.

- 3.13** No person who owns, keeps, or harbours any animal shall allow said animal to injure any person or another animal within the corporate limits of the Town of Coalhurst.
- 3.14** No person shall abandon any animal(s) within the corporate limits of the Town of Coalhurst.
- 3.15** A person wishing to keep more than two (2) dogs or three cats at their property in the Town of Coalhurst, must apply for a fanciers license. Under the discretion of the Peace Officer, a fanciers license may be granted if the following conditions are met:
- a)** None of the animals are deemed to be an aggressive or nuisance animal.
  - b)** The Town of Coalhurst has not responded to a complaint under this bylaw at the residence the applicant is applying to have the fanciers license where a warning or violation ticket has been issued within the preceding six months.
  - c)** Additional dog(s) shall not be used for breeding.

#### **SECTION 4: AGGRESSIVE DOGS**

- 4.1** A Peace Officer, Animal Control Officer, or Bylaw Officer may declare a dog to be Aggressive, by personal observation or after an investigation initiated by a complaint that a dog has been aggressive to humans or other animals. The dog must show a propensity, or disposition to attack humans or other animals, or without provocation, has physically attacked or bitten any human or animal. The Officer will:
- a)** Inform the owner in writing that their dog has been declared Aggressive.
  - b)** Require the owner to keep such dog in accordance with the provisions of this Bylaw.
  - c)** The owner of an Aggressive dog may appeal the designation of “Aggressive” by filing an appeal with CAO anytime after the designation has been made. The CAO may sustain or overturn the designation.
- 4.2** All owners of an Aggressive Dog must:
- a)** Register the dog as an Aggressive dog every year.
  - b)** The dog must be always on a leash when not inside the confines of a dwelling or inside the confines a kennel.
  - c)** The kennel is subject to the Animal Control Officer’s approval.
  - d)** The kennel must have a roof so that the dog cannot jump over it, a secure floor that cannot be dug, and have a locked latch.
  - e)** Proof of insurance must be shown at the time of registration.
- 4.3** Dogs that have been declared Aggressive can be walked and exercised outside of the residence but must be under the control of a responsible adult and on a leash attached to the adult walking it, at all times. Aggressive dogs are not permitted in any off-leash dog park.
- 4.4** If a dog is declared aggressive, it shall only reside at the address of the owner’s residence.

- 4.5** An owner of an Aggressive dog must have liability insurance in a form satisfactory to the Chief Administrative Officer or designate, providing third party liability coverage.
- 4.6** If an Aggressive dog is sold, adopted or given to another owner inside the corporate limits on the Town of Coalhurst, the previous owner must inform the Town of the transfer, prior to the new owner taking possession, and the new owner must comply with all conditions imposed on the Aggressive Animal

## **SECTION 5: NUISANCE ANIMALS**

- 5.1.** A Peace Officer, Animal Control Officer, or Bylaw Officer may designate an animal to be a Nuisance Animal, and require the owner to obtain a Nuisance Animal License for such Animal where:
- a)** The animal has been found running at large more than three times;
  - b)** The animal is repeatedly barking, howling, squealing, whining, crying, or otherwise making or causing noise which disturbs any person and for which more than three complaints have been made;
  - c)** The owner of an animal does not clean their property or premises of the animal's feces;
  - d)** The owner of the animal does not control or leash the animal while the animal is off the owner's premises or property; or
  - e)** The animal and owner have been subject to numerous complaints in this bylaw.
- 5.2.** A Peace Officer may impose one or more of the following conditions on an owner of a Nuisance Animal:
- a)** Require the owner to keep the Nuisance Animal indoors between 10:00 P.M. and 7:00 A.M. or when then owner is not on the premises;
  - b)** Require the owner to keep the Nuisance Animal, when outdoors on the owner's property, secured in a fully enclosed outdoor pen.
  - c)** Require the owner to ensure a Nuisance Animal is held on a leash not exceeding one and a half (1 .5) meters in length, at all times when it is off of the property of the owner.
  - d)** Require the owner undertake improvements to the property where the Nuisance Animal resides to ensure compliance with this Bylaw;
  - e)** Prohibit the Nuisance Animal form entering any park or school ground;
  - f)** Any other additional condition that is similar to the above, and in the opinion of the Animal Control Officer is reasonably necessary to reduce the nuisance posed by such Nuisance Animal.
- 5.3.** Anyone who fails to comply with any Nuisance Animal conditions applied by the Peace Officer is guilty of an offence under this bylaw.

- 5.4.** The owner of a Nuisance Animal must notify the Animal Control Officer should the animal be sold, gifted, die or be transferred to another person and will remain liable for the actions of the animal until formal notification of sale, gift or transfer is given.
- 5.5.** Where the Peace Officer determines that an animal is a Nuisance Animal, the Animal Control Officer shall:
- a)** Serve the owner with a written notice that the animal has been declared to be a Nuisance Animal.
  - b)** Direct the owner to keep the Nuisance Animal in accordance with the provisions in this bylaw and provide the owner with a time limit for compliance.
  - c)** Inform the owner that, if the Nuisance Animal is not kept in accordance with Section 5, the owner may be fined, or subject to enforcement pursuant to this bylaw;
- 5.6.** The owner must permit the Peace Officer to inspect a secure fence, secure pen or any outdoor portion of that owner's property where a Nuisance Animal may be contained.
- 5.7.** An owner of a Nuisance Animal may object to the determination that the animal is a Nuisance Animal by appeal by filing an appeal with the CAO any time after the designation has been made. The CAO may sustain or overturn the designation.

## **SECTION 6: ENFORCEMENT**

- 6.1** A Peace Officer, Animal Control Officer, or Bylaw Officer may enforce any provision of this bylaw if they have reasonable or probable cause to do so.
- 6.2** A Peace Officer, Animal Control Officer, or Bylaw Officer may capture and impound or cause to be captured and impounded all animals if the animal is in contravention of this Bylaw if the owner cannot be found or contacted.
- 6.3** A Peace Officer, Animal Control Officer, or Bylaw Officer shall make a reasonable effort to find or contact the owner, before impounding any animal.
- 6.4** A Peace Officer, Animal Control Officer, or Bylaw Officer shall release the animal to the owner:
- a)** Immediately, or as soon as possible thereafter, the owner has been found or,
  - b)** All fees levied pursuant to the provisions of this Bylaw have been satisfied, and
  - c)** any investigation has been concluded and satisfied.

## **SECTION 7: IMPOUNDED ANIMALS**

- 7.1** All impounded animals will be kept for up to 72 hours unless claimed by the owner. If, after 72 hours (not including Sundays or statutory holidays) the animal has not been claimed, the Town has the right to allow the animal to be adopted, taken to an animal rescue, SPCA, or foster home.

- 7.2** A Peace Officer, Animal Control Officer, or Bylaw Officer will make a reasonable effort after an animal has been impounded, to contact the owner.
- 7.3** A Peace Officer, Animal Control Officer, or Bylaw Officer may impound an animal for the purpose of an investigation under the Animal Protection Act, Dangerous Dogs Act or Section 4 of this bylaw, until the Peace Officer concludes their investigation.
- 7.4** A Peace Officer, Animal Control Officer, or Bylaw Officer may report any apparent illness, communicable disease, injury, or unhealthy condition of any animal to a veterinarian and act upon his recommendation. The owner of the animal shall be responsible for all resulting costs and charges.
- 7.5** While an animal is impounded at the town's dog pound, the town will be fully responsible for the care of the animal while it is impounded.
- 7.6** Anyone wanting to take possession of an animal from the town animal shelter must show proof of ownership before the animal will be released.

#### **SECTION 8: ENTERING PREMISES**

- 8.1** A Peace Officer, Animal Control Officer, or Bylaw Officer, for the purpose of an investigation, may enter onto lands whether private or public to satisfy a complaint or investigation.
- 8.2** A Peace Officer, Animal Control Officer, or Bylaw Officer is hereby authorized to remove a dog from private or publicly owned property, if the officer deems a dog to be a public nuisance or danger and the owner cannot be reached to correct the problem or the dog does not reside at the location is it being removed from.

#### **SECTION 9: OFFENCES AND PENALTIES**

- 9.1** Any license issued may be suspended or revoked by the Animal Control Officer or the CAO if the provisions of this Bylaw or any other relevant bylaw or statute are not complied with by the license holder.
- 9.2** Where a Peace Officer believes that any person has contravened or breached any part of this Bylaw, they may cause a violation ticket to be served upon such person pursuant to Part 2 of the Provincial Offences Procedure Act, Alberta.
- 9.3** Any person or owner who commits a breach of any section of this Bylaw shall be liable, upon summary conviction by any Court of competent jurisdiction, to a fine not less than the fine imposed in Schedule A, attached to, and forming part of this bylaw.

#### **SECTION 10: GENERAL**

- 10.1** Each provision of this Bylaw is independent of all other provisions. If any provision of the Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.



**10.2** Animal Control Bylaw No. 292-02, Coalhurst Dog Bylaw No. 379-15, and Responsible Cat Ownership Bylaw No. 428-21 are rescinded in their entirety upon adoption of this bylaw.

**10.3** This Bylaw will take force and effect upon third and final reading and signing thereof.

READ a FIRST time this 20th day of August, 2024.

READ a SECOND time this 4th day of February, 2025.

READ a THIRD and final time this 4th day of February, 2025.

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Mayor – Lyndsay Montana

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Chief Administrative Officer - Karlene Betteridge

### SCHEDULE A - FINES

SECTION	OFFENCE	First Offence	Subsequent Offence (within 12 months)
3.1	Unauthorized keeping of farm animal(s)	\$150	\$300
3.2	Failure to register a dog	\$150	n/a
3.3	Keeping more than maximum number of dogs permitted	\$150	\$300
3.4	Keeping more than maximum number of cats permitted	\$150	\$300
3.5	Animal running at large	\$150	\$300
3.6	Off-leash dog	\$150	\$300
3.7	Excessive barking	\$250	\$300
3.8	Damage to property	\$250	\$500
3.9	Setting animal free	\$250	\$500
3.10	Illegal trapping of animal	\$250	\$500
3.11	Failure to report or relinquish trapped animal	\$250	\$500
3.12	Mistreatment of animal	\$250	\$500
3.13	Animal injures person or other animal	\$250	\$500
3.14	Abandonment of animal	\$500	\$1000
4	Failure to comply with any Aggressive Dog conditions	\$250	\$500
5	Failure to comply with any Nuisance Animal conditions	\$250	\$500