



TOWN OF HINTON  
BY – LAW NO. 1021

A BYLAW TO REGULATE AND CONTROL  
THE ACTIVITIES OF WILD AND DOMESTIC ANIMALS  
IN THE TOWN OF HINTON IN THE PROVINCE OF ALBERTA

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**WHEREAS:** The Municipal Government Act Chapter M-26, 2005 provides jurisdiction for Municipalities to pass bylaws pertaining to the activities and control of wild and domestic animals.

**NOW THEREFORE:** The Municipal Council of Hinton in the Province of Alberta enacts as follows:

1. This Bylaw shall be cited as the “Animal Control Bylaw” of the Town of Hinton.

2. **SEVERABILITY**

It is declared that if any section or sections of this Bylaw or any other part thereof is found by a court of competent jurisdiction to be invalid for any reason, such section or sections, or part thereof, will be severed from the rest and shall not affect the validity of the remainder of the Bylaw.

3. **DEFINITIONS**

(a) “**PEACE OFFICER**” shall mean a Community Peace Officer 1, a Community Peace Officer 2, a Bylaw Enforcement Officer or an RCMP Officer.

(b) “**ANIMAL CONTROL OFFICER**” shall mean any person appointed as such by the Town of Hinton.

(c) “**OWNER**” of a dog or cat shall include the registered owner of the animal and any person having possession, care, control or custody of the dog or cat, whether temporarily or permanently or any person harbouring or permitting the dog or cat to remain on or about his or her house or property.

- (d) **“COUNCIL”** shall mean the Municipal Council of Hinton, Alberta.
- (e) **“KENNEL”** shall mean a dwelling, shelter, room or place approved by a Town of Hinton Development Permit for the housing or keeping of three (3) or more dogs over the age of four (4) months, but does not include a veterinary hospital or clinic, a dog parlour or grooming establishment or an exhibition building where dogs are being shown or trained.
- (i) A kennel shall not be permitted on residential property unless the kennel is located not less than 12.19 meters from any person’s property, and
  - (ii) Shall not be operated so as to, in the opinion of the Peace Officer, cause a nuisance to other neighbours.
- (f) **“TOWN”** shall mean, The Town of Hinton, Alberta or the Municipality of Hinton Alberta.

#### **4. ANIMALS AND FOWL**

(a) Except as otherwise provided, no person shall keep, or permit to be kept, at any residence or premises, more than two of any species of animal, bird, or reptile, provided that the young of any of the permitted species may be kept for a period not exceeding two (2) months after birth.

(a)(i) Any person wanting to keep any animal, bird or reptile or any other animal not expressly stated in this bylaw shall make application to the Town of Hinton for the keeping of such.

(b) For the purpose of integrating the Town of Hinton Animal Control Bylaw with the Breeders/Exhibitors License which allows Breeders or Exhibitors to own a maximum of Five(5) Adult Dogs, The Town of Hinton may issue a permit to a dog owner to allow a Breeder or an Exhibitor to keep Five (5) dogs at a residence, provided the applicant complies with the regulations of the permit and acquires written permission from the registered owners of all adjacent properties at the time of making application.

(c) Section (a) and (b) shall not apply to any person keeping a kennel.

(d) No person shall keep within the Town of Hinton, any horse, donkey, mule, cattle, swine, sheep, goat or large animal, except within those areas in which the same are expressly allowed to be kept in accordance with approvals by the Town of Hinton.

- (i) The same shall be kept in a building or stable;
- (ii) Such building or stable shall be a distance of at least 91.44m from any school, church, public hall, store, dwelling or other premises used for human habitation or occupancy other than premises occupied exclusively by the keeper of such animal or member of his immediate family;

(e) The floors of such building or stable shall be of durable material, impervious to moisture, so laid and provided with gutters so that drainage is effected into a sewer. A wooden platform above such flooring is permitted if an air space of at least two (2) inches is provided above the floor;

(f) Where a sanitary sewer is not available, provision for drainage of sanitary wastes shall be made in accordance with the requirements of all provincial laws and regulations;

(i) All doors, windows and openings of such building or stable shall, at all times between the first day of April and the thirtieth (30<sup>th</sup>) day of November following in each year, be kept protected by screens effective against flies and small insects;

(ii) All manure shall be peremptorily collected and deposited in a manure receptacle of adequate size which shall be provided and constructed as follows:

(a) The floor and all portions of the walls to be of concrete and to be water-tight; the receptacle shall be provided with an opening with a self-closing, fly-proof door, and the whole to be so constructed that objectionable odours are not allowed to escape.

(b) Such building or stable, together with any yard under 204.5 square metres in which the animals are allowed to run shall be kept at all times free from manure and other refuse and shall be properly cleaned or dug up and deodorized by means of chloride of lime or other suitable deodorant;

(c) All food shall be kept in a rodent-proof container.

(d) This by-law shall not apply to:

- (i) A small animal hospital or clinic operated by a duly qualified veterinarian or a boarding kennel, if all animals are kept within a building;
- (ii) Premises maintained by The Humane Society or a public pound;
- (iii) Animals, birds or fowl maintained in a public park, zoo, fair, exhibition or circus operated or licensed by a municipal or governmental authority; or
- (iv) Animals, birds or fowl offered for sale in shops whose business includes the sale of pets.

## **DOGS AND CATS**

### **5. LICENSING**

- (a) The owner of a dog which is Four (4) months or older shall obtain a dog license for such dog on or before the first business day in January of the current year.
- (b) If a dog is acquired by an owner after the first business day in January of the current year or if an owner of a dog becomes a resident of the Town of Hinton after the first business day in January of the current year and the dog is of the age of four (4) months or older, the owner shall obtain a license for dog within seven (7) days of acquisition of the dog or the date of residency, as the case may be.
- (c) Dog licenses issued hereunder are not transferable.
- (d) No person shall be entitled to a license rebate.
- (e) Dog licenses issued hereunder shall be for a period of one (1) year with an expiry date each year of December 31<sup>st</sup>.

- (f) Annual license fees shall be paid to the Town of Hinton as per Schedule "A" of this bylaw.
- (g) Upon application for a license, the applicant shall supply to the Town a description of each dog, sufficient to identify such.
- (h) Upon the registration of any dog as provided by this bylaw and upon payment of the prescribed fee, the owner thereof shall be furnished with a dog tag. The dog license shall correspond with the description of the dog the license is being purchased for.

## 6. PROHIBITIONS

- (a) Within the Town of Hinton the owner of a dog shall cause such dog to wear on its body a current and valid dog license as issued by the Town of Hinton.
- (b) Every dog or cat within the Town of Hinton when not confined to a dwelling or to the property of its owner shall be at all times under immediate effective control of its owner/handler.
- (c) No person shall keep in any open portion of any vehicle, a dog which is not restrained. The restraint must keep the dog confined within the edge of that portion, which is open.
- (d) No person shall keep a dog or cat in any manner that, in the opinion of a Peace Officer or Animal Control Officer, would be distressful or inhumane to such dog or cat, as per the provisions of the Alberta Protection Act.
- (e) A dog or cat in heat shall be confined and housed in the residence of the owner or person having control of the dog or taken to a licensed kennel during the time the dog is in heat; except that such dog may be allowed outside the said residence for the purpose of relieving itself and upon relief must be returned to the confines of the residence.
- (f) The owner of a dog or cat shall not allow the dog or cat to run at large. A dog or cat is considered to be running at large when off the property of its owner and not under immediate effective control.

(g) The Peace officer or Animal Control Officer may capture and impound any dog or cat in respect of which:

- i) He believes an offence under this bylaw is being or has been committed, or
- ii) Is named or described or otherwise designated in a complaint by any person as creating a public nuisance
- iii) Is named or described or otherwise designated in a complaint made pursuant to the Dangerous Dog Act or the Animal Protection Act
- iv) Is actually or apparently affected with rabies or any other contagious disease
- v) Is off the property of its owner and not under immediate effective control.

(h) In order to enforce the provisions of this bylaw any Animal control Officer or peace Officer may, as he deems necessary, enter onto any lands for that express purpose and such action will not amount to a trespass.

(i) No person shall:

- i) Interfere with or attempt to obstruct a Peace Officer or an Animal control Officer who is attempting to capture or has captured a dog or cat.
- ii) Induce the dog or cat to enter a house or other place where it may be safe from capture or otherwise assist the dog or cat to escape capture.
- iii) Falsely represent himself as being an owner or in charge or control of a dog or cat
- iv) Remove or attempt to remove any dog or cat from possession of an Animal Control Officer or Peace Officer.

(j) The owner of a dog or cat shall not permit or cause the dog or cat to become a public nuisance by:

- i) Biting, chasing or threatening any person;
- ii) Biting, or chasing any domestic animals or vehicles of transportation;
- iii) Barking, howling or otherwise disturbing any person;

- iv) Causing damage to property or other animals;
- v) Upsetting waste receptacles or scattering the contents thereof on any public or private property;
- vi) Defecating on private or public property. Where the owner of the dog or cat fails to immediately remove the excrement;
- vii) Being off the property of the owner and not under immediate effective control;

(k) No person shall act in a manner that, in the opinion of a Peace Officer or Animal Control Officer, is likely to tease, torment or annoy a dog or cat.

(l) No person, other than a Peace officer or Animal Control Officer acting in accordance with his or her duties as such, shall, without an owner's consent:

- i) Untie, loosen or otherwise free a dog or cat which has been tied or otherwise restrained, or
- ii) Negligently or willfully open a gate, door or other opening in a fence or enclosure in which a dog or cat has been confined and thereby allow a dog or cat to run at large within the Town of Hinton.

(m) The owner of a dog or cat that has been apprehended, in accordance with this bylaw, will be entitled upon payment of all fines and fees to reclaim the animal, within seventy-two (72) hours or three business days as of the date of impoundment of the dog or cat.

(n) If the owner of a dog or cat does not reclaim the dog or cat within the time limit, the Animal Control Officer may retain the same for such further time as he may consider proper and during such time dispose of same.

## 7. **PENALTIES**

(a) Any person who contravenes any of the provisions of this bylaw is guilty of an offense and liable on summary conviction to a fine.

- i) For a first offense, a fine of not less than Two Hundred and Fifty Dollars (\$250.00) and not more than Five Hundred Dollars

- (\$500.00) or in default of payment of such fine plus costs, imprisonment for a period of not more than sixty (60) days, and,
- ii) For a second or subsequent offense, a fine of not less than Five Hundred Dollars (\$500.00) and not more than One Thousand Dollars (\$1,000.00) or in default of payment of such fine plus costs, imprisonment for a period of not more than Six (6) months, unless in either case the fine plus costs, including the cost of committal, are sooner paid, and,
- (b) Each day during which there is a breach of this bylaw shall be regarded as a separate and distinct offense and any offender who continues in breach of this bylaw may be charged for each subsequent day during the continuation of the offense.

## **8. OFFENSE TAGS**

- a) Any Animal Control Officer or Peace Officer may enforce the provisions of this bylaw and may issue a Violation Tag to any person found to have committed a breach of this bylaw.
- b) A Violation Tag may be issued by serving it personally upon the offender or, if he or she cannot conveniently be found, by leaving it at the offender's address with a person who appears to be at least 18 years of age. The Violation Tag may also be served on a person by regular mail.
- c) The provisions of this section are an initial alternative to a summons under Section 7 of this bylaw. If a Violation Tag is issued and payment is made within the specified time limit, then such payment shall be accepted in lieu of prosecution. If payment is not made with the specified time limit then the alleged offender may not be entitled to the right to settle the alleged offense without a court appearance. Should the alleged offender fail to make voluntary payment during the specified time limit, the Town may apply an additional Twenty Dollars (\$20.00) late payment fee.
- d) If a cheque is given in payment of a Violation Tag and the cheque is not honoured by the Financial Institution on which it is to be drawn, the Violation Tag shall be treated in the same manner that it would have been if the cheque had not been given in payment for the appropriate fine



provided in schedule A of the bylaw. In such cases the Town shall have the option to accept direct payment only, for the arrears owing.

**REPEAL OF BYLAWS**

- a) That Town of Hinton Bylaw No. 739 and Bylaw No. 896 are hereby repealed.

**9. EFFECTIVE DATE**

That Bylaw #1021, The Town of Hinton, Animal Control Bylaw shall come into full force and effect on the date of Third and Final Reading;

READ A FIRST TIME THIS 4<sup>th</sup> DAY OF JUNE A.D. 2008

READ A SECOND TIME THIS 4<sup>th</sup> DAY OF JUNE A.D. 2008

THIRD AND FINAL READING THIS 17<sup>th</sup> DAY OF JUNE A.D. 2008

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
DIRECTOR OF CORPORATE SERVICES

**SCHEDULE "A"**

**TOWN OF HINTON**

**BY-LAW NO. 1021**

**Fees and penalties**

<b><u>TYPE OF DOG</u></b>	<b><u>ANNUAL LICENSE FEE</u></b>
Spayed or neutered dog	\$15.00
Unaltered dog	\$30.00

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**FINES AND PENALTIES**

Penalties shall be applied for any breach of the listed sections of this Bylaw as follows:

**Section**

4 (a) & (d)

5 (a) (b) & (c)

6 (a) (b) (c) (d) (e) (f)

6 (J) v, vi, vii

6(k)

**First Offence**

**Second Offence**

**Third & Subsequent Offence**

\$50.00

\$75.00

\$100.00

The following penalties shall apply to any breach of the specified sections of this bylaw:

**Section**

6 (i) i, ii, iii & iv

6. (j) i, ii, iii, iv & v,

6 (l) i & ii

**First Offence**

\$250.00

**Second Offence**

\$500.00

**Third & Subsequent Offence**

\$750.00