

**BY-LAW 2008/12  
OF THE TOWN OF MILLET  
IN THE PROVINCE OF ALBERTA**

A BY-LAW OF THE TOWN OF MILLET IN THE PROVINCE OF ALBERTA  
REGULATING THE KEEPING AND CONTROLLING OF ANIMALS WITHIN THE  
LIMIT OF THE MUNICIPALITY

WHEREAS, Section 7(h) of the Municipal Government Act, Chapter M-26.1 and amendments thereto empowers the Municipal Council of the Town of Millet to regulate and control animals within the Municipality.

AND WHEREAS, Council deems it expedient and proper to regulate the keeping of animals within the limits of the Municipality.

NOW THEREFORE, The Municipal Council of the Town of Millet duly assembled hereby enacts:

1. This By-Law may be cited as the Animal Control By-Law.

DEFINITIONS

2. In this By-Law, unless the context otherwise requires:
  - (a) **“Animal”** means any living organism, other than human, having sensation and the power for voluntary movement and requiring oxygen and organic food for existence;
  - (b) **“At large”** means where an animal is at any place other than the Owner’s property or permitted property and is not being carried by any person or is not otherwise restrained by a permitted leash held by a person, and that permitted leash is attached to a choke chain, collar or harness securely holding that animal. If it is difficult for a person to restrain the animal by a permitted leash, then the animal shall be deemed to be “at large” notwithstanding the presence of a permitted leash;
  - (c) **“Controlled confinement”** 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;
  - (d) **“Town”** means the Municipal Corporation of the Town of Millet, in the Province of Alberta;
  - (e) **“Town Council”** means the Council of the Municipal Corporation of the Town of Millet, Alberta;
  - (f) **“Damage to property”** means the damage to property other than the Owner’s property, and includes defecating or urinating on such property;
  - (g) **“Day”** means a continuous period of twenty-four (24) hours;
  - (h) **“Dog”** means either male, female, neutered or sprayed dog;
  - (i) **“Enforcement Officer”** means any peace officer, or any other person appointed by the Town to enforce the provisions of this By-Law.
  - (j) **“Large mammal”** means any member of the class mammalian other than man which in the adult form, regularly weighs ten (10) kilograms or more, but shall not include dogs or cats;

- (k) **“Medical Officer of Health”** means the Medical Officer of Health as appointed and defined in the Public Health Act or his or her designate;
- (l) **“Owner”** means:
- (i) A person or body corporate that has legal title to the animal;
  - (ii) A person who has the care, charge, custody, possession or control of an animal;
  - (iii) A person who owns or who claims any proprietary interest in an animal;
  - (iv) A person who harbours, suffers or permits an animal to be present or any property owned, occupied or leased by him or which is otherwise under his control;
  - (v) A person who claims and receives an animal from the custody of the Animal Shelter or an Animal Control Officer; or
  - (vi) A person to whom a License Tag is issued for an animal in accordance with this By-Law;
- and for the purpose of this By-Law an animal may have more than one (1) Owner.
- (n) **“Owner property”** means any property in which the Owner of an animal has a legal or equitable interest or over which the Owner of an 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;
- (o) **“Permitted leash”** means a leash adequate to control the animal to which it is attached and which lease shall not exceed three (3) meters in length;
- (p) **“Permitted property”** means private property upon which the Owner of an animal has the express permission of the Owner of that property to allow the Owner’s animal to be at large thereon.
- (q) **“Person” in section 3** means:
- (i) An individual, body corporate or organization that has legal title to animal;
  - (ii) An individual, body corporate or organization that has the care, charge, custody, possession or control of an animal;
  - (iii) An individual, body corporate or organization who owns or who claims any proprietary interest in an animal;
- (r) **“Poultry”** means a bird usually kept for eggs or meat;
- (s) **“Animal Shelter”** means a place that Town Council shall provide or designate as such;
- (t) **“Animal Shelter keeper”** means any person duly authorized and designated by Town Council;
- (u) **“Running at large”** means a dog or cat, which is not on a leash and/or under the control of the person responsible and is actually upon property other than the property of the Owner;

- (v) **“Serious wound”** means an injury to a human or animal resulting from the action of an animal which causes the skin to be broken or flesh to be torn;
- (w) **“Small mammal”** means any member of the class mammalian which in adult form regularly weighs less than ten (10) kilograms;
- (x) **“Vicious dog”** means a dog of any age which the Peace Officer deems vicious or which:
- (i) Shows a propensity, disposition or potential to attack or injure, without provocation, humans or other animals; or
  - (ii) Without provocation, chases humans or other animals; or
  - (iii) Is a continuing threat of serious harm to humans or other animals; or
  - (iv) Without provocation, has attacked humans or other animals.
- y) **“Dogs Off-Leash Area”** shall mean an area of land designated by the Council of the Town indicating that dogs are permitted to run at large.

### RESTRICTIONS

3. It shall be unlawful for any person to harbour or permit to be harboured on land or premises occupied by that person:
- (a) any large mammal or the young thereof;
  - (b) any live poultry;
  - (c) any bees;
  - (d) any poisonous snakes, reptiles and insects;
  - (e) any animal or species, including the above, deemed dangerous or objectionable in the opinion of the Medical Officer of Health or the Enforcement Officer.
4. Section 3 shall not apply to any veterinary clinic, veterinary office, veterinary hospital, zoological garden or park, abattoir, pound or Animal Shelter, or educational institution or any property for which the Town has issued a development permit which allows the keeping of animal on the property.
- (a) Notwithstanding Section 3, any person wishing to bring animals associated with farming, circuses, or exhibition into the Town shall make application in writing for approval to do so to the By-Law Services Department. The application shall contain the type and number of animals as well as the duration of the stay and the location. The application shall include written permission of the property Owner where the animals are to be kept. The application may also be required to obtain letters of “no objection” from adjacent property Owners.
  - (b) The By-Law Services Department may impose any conditions they feel necessary to ensure the peace and safety of others.
  - (c) Sections 3(a) and 3(c) shall not prevent the grazing of livestock on land which was partially assessed as farm land.

### RUNNING AT LARGE

5. No animal shall run at large within the Corporate Limits of the Town.

If an animal is at large, the Owner shall be guilty of an offense and subject liable to a fine under this By-Law, exclusive to any other civil actions or penalties.

#### NUISANCES

6. (a) No animal shall be a nuisance. A nuisance shall include, but not be limited to:
- (i) Biting, scratching or chasing a person;
  - (ii) Barking, howling, meowing, chirping or otherwise disturbing any person;
  - (iii) Causing damage to property or other animals;
  - (iv) Defecating on property other than that of the Owner.

If an animal is a nuisance, the Owner shall be guilty of an offense and subject liable to a fine under this By-Law, exclusive to any other civil actions or penalties.

- (b) Where an animal has caused damage to property or other animals, the Owner of the animal shall pay for all damages incurred to the person suffering such damages.
- (c) If an animal defecates on property other than the Owner's property, the owner of the animal shall remove forthwith any defecated matter deposited.
- (d) No person(s) shall allow more than two (2) dogs to be sheltered, owned, kept or possessed at one civic address.
- (e) A person may appeal an order under subsection (d) to Town Council by submitting a written notice with the Chief Administrative Officer within fourteen (14) days of receiving order.

The Enforcement Officer may impound the animal(s) at the Owner's expense, if the Owner has not complied with the order within fourteen (14) days.

#### Clarification of Definition

In any prosecution under this Bylaw, the Judge trying the case may, in the absence of proof to the contrary, inter that:

- (a) any animal commonly described as a dog by any witness is a "dog" within the meaning of this Bylaw, and
- (b) any dog is running at large if it is shown not to be on a leash at the time of the alleged offence.

#### CONTROLLED CONFINEMENT

7. (a) A person who has received a serious wound or the Owner of any vertebrate or invertebrate which have received a serious wound and the Owner of an animal which has inflicted the serious wound shall promptly report the animal to an Enforcement Officer who may thereupon place the animal under controlled confinement and the animal shall not be released from such controlled confinement except by written permission of a registered veterinarian. At the discretion of the Enforcement Officer, such controlled confinement may be on the premises of the Owner, a registered veterinarian within the Municipality or the Animal Shelter.

- (b) Upon demand made by the Enforcement Officer the Owner shall forthwith surrender for quarantine any animal which has inflicted a serious wound to any person or any animal which the Enforcement Officer has reasonable and probable grounds to suspect of having been exposed to rabies. The animal may be reclaimed by the Owner.
  - (i) If adjudged free of rabies; and
  - (ii) Upon payment of confinement expenses; and
  - (iii) Upon compliance with the licensing provisions of this By-Law.

#### REGISTRATION

- 8.
  - (a) The Owner of a dog over the age of six (6) months shall register such dog with the Town and shall pay therefore a licensing fee set out in Schedule "A".
  - (b) Notwithstanding subsection (a), where a person who is blind or whose vision is impaired is the Owner of a dog trained and used as a guide dog, there shall be no fee payable by the Owner for registering the dog with the Town.
  - (c) Notwithstanding subsection (a), the registration provisions of this By-Law shall not apply to dogs accompanying a person temporarily in the Town on business or vacation for a period not exceeding fourteen (14) days or on such longer periods as may be authorized by written permission from the Town.
  - (d) No person shall be entitled to a registration rebate under this By-Law.
  - (e) No registration or tag shall be transferable from one animal to another or attached to any other animal, which has not been licensed with the town.
  - (f) At all times when an animal is on any property other than that of its Owner, the tag issued for such animal shall be attached to a collar or harness which must be worn by the said animal unless the animal has been tattooed with the registration number.
- 9. Pursuant to section 8(a) the Owner of a dog shall:
  - (a) register the dog on the first day on which the Town Office is open for business after he becomes the Owner of such dog.
  - (b) register the dog notwithstanding that it is under the age of six (6) months where the dog has been found running at large;
  - (c) register the dog which has been impounded pursuant to this By-Law before such dog may be claimed from the Animal Shelter;
  - (d) notify the Town when the dog has died, been sold, or has moved from the corporate Limits of the Town.
- 10. Where the registration fee required by this By-Law has been paid by the tender of an uncertified cheque, the registration:
  - (a) is issued subject the cheque being accepted and cashed by the bank; and
  - (b) is automatically revoked if the cheque is not accepted and cashed by the bank on which it is issued.

11. The Town Office shall keep a record of all dogs registered pursuant to section 8 of this By-Law. The record shall indicate:
  - (a) date of registration;
  - (b) name, address and telephone number of the Owner of the dog or cat;
  - (c) the registration number and the amount paid;
  - (d) the breed, color and sex of the dog
  - (e) if a license for a dog becomes lost in any manner whatsoever, a new license shall be issued for such dog by the C.A.O. upon payment of One (\$1.00) Dollar.

#### AUTHORITY TO AN ANIMAL SHELTER

12. An Enforcement Officer:
  - (a) may capture and impound any animal in respect of which he believes or has reasonable grounds to believe an offence under this By-Law is being or has been committed and is further authorized to take such reasonable measures as are necessary to subdue any animal which is at large, including the use of tranquillizer equipment and materials;
  - (b) may enter onto any land in pursuit of any animal which as been running at large;
  - (c) may, in any case where the Owner of a dog can be identified through the Town's registration records, return such dog to the Owner where practicable instead of delivering to the Animal Shelter;
  - (d) shall, if any animal other than a dog or cat is captured, make a reasonable attempt to return the animal to the Owner where possible, instead of being delivered to the Animal Shelter.

#### ESTABLISH ANIMAL SHELTER

13. It shall be the duty of the Town Council to establish an Animal Shelter for the impounding of animals captured pursuant to this By-Law, and Council are further authorized and empowered to make any and all such rules and regulations not inconsistent with the provisions of this By-Law as they consider necessary for the conduct on regulating such Animal Shelter.
  - (a) It shall be the responsibility of the Animal Shelter keeper to examine all impounded animals for any identification including, but not limited to, tattoos and microchip ID.

#### APPOINT ANIMAL SHELTER KEEPER

14. It shall be the duty of Town Council to appoint an Animal Shelter keeper and other such persons as they deem necessary for the carrying out of the provisions of this By-Law as required for the keeping of the Animal Shelter.

#### OBSTRUCTION

15. No person, whether or not he is the Owner of an animal which is being or has been pursued or captured, shall:

- (a) Interfere with or attempt to obstruct an Enforcement officer who is attempting to capture an animal which is subject to being impounded pursuant to the provisions of this By-Law;
- (b) Induce the animals to enter a house or other place where it may be safe from capture or otherwise assist the animal to escape capture;
- (c) Falsely represent himself as being in charge or control of an animal so as to establish that the animal is not running at large or;
- (d) Unlock or unlatch or otherwise open the Animal Shelter vehicle to allow or attempt to allow any animal to escape there from.

#### NEGLIGENCE

16. No person shall:
- a) untie, loosen or otherwise free an animal which has been tied or otherwise restrained; or
  - b) negligently or willfully open a gate, door or other opening in a fence or enclosed in which an animal has been confined and thereby allow an animal to run at large within the Town.

#### TORMENT

17. No person shall tease, torment, annoy, abuse or injure any animal.

#### RECLAIMING

18. The owner of any:
- a) impounded dog may reclaim the dog from the Animal Shelter within three (3) Town of Millet business operation days from the time of the impoundment by paying to the Town all impoundment fees and board fees, as per Town policy, and by paying any outstanding fines and registering the dog as required by this Bylaw.
  - b) Impounded animal, other than a dog, may reclaim the animal within three (3) Town of Millet business operation days from the time of the impoundment by paying the Town any outstanding fines and all impoundment and board fees per Town Policy.

#### SALE OR DESTRUCTION

- 19.
- a) The Animal Shelter keeper shall sell or destroy an animal after the animal is retained in the Animal Shelter for three (3) Town of Millet business operating days from the time of the impound, unless a person having authority orders the further retention or the destruction of the animal, or unless the Owner of the animal makes arrangements with the Animal Shelter keeper for the further retention of the animal.
  - b) In any case, where an animal is found ill, in distress, or has been injured and it has been determined by a veterinarian or other designate that the animal should be destroyed to prevent needless suffering, the animal may be destroyed as soon as practical.

c) The purchaser of an impounded animal from the Animal Shelter pursuant to the provisions of this Bylaw shall obtain full right and title of the Owner of the animal shall cease thereupon.

d) The Animal Shelter keeper shall report any apparent illness, communicable disease, injury or unhealthy condition of any animal to an Enforcement Officer who may discuss the matter with a veterinarian. The owner, if known, shall be held responsible for all charges resulting there from.

#### MAINTENANCE OR RESIDENCES OR GROUNDS

20. Residences or grounds where any animals are kept shall at all times be maintained in a clean and sanitary condition, satisfactory to the Medical Officer of Health or an Enforcement Officer or his or her designate.

#### VICIOUS DOGS

21. a) The Owner of a Vicious Dog shall take all necessary steps to ensure that it does not bite, chase or attack any human or other animal whether the person or animal is on the property of the Owner or not.
- b) If a Vicious Dog bites or attacks a person or animal, the Owner shall be guilty of an offense and subject liable to a fine under this Bylaw, exclusive to any other civil actions or penalties.
22. a) When a Vicious Dog is on the premises of its Owner, it shall be kept confined indoors under the effective control of a person over the age of sixteen (16) years, or confined in a securely enclosed and locked pen, or other structure constructed and secured in such a fashion as to prevent the escape of the Dog, and to prevent the entry of persons unauthorized by the Owner.
- b) Any such pen shall have a secure top and sides and either:
- i) have a secure bottom effectively attached to the sides: or
  - ii) the sides shall be embedded in the ground to a minimum depth of thirty (30) centimeters.
- c) When a Vicious Dog is off the premises of the owner, it shall be securely muzzled, and shall be either harnessed or leashed securely to effectively prevent it from attacking or biting a human or other animal: provided that this requirement shall not apply when the Dog is in a building or enclosure in attendance at a bona fide dog show, or confined in a pen meeting the requirements of Subsections (1) and (2).
23. a) The Owner of a dog, which the owner knows or ought to know is a Vicious Dog, shall keep the Vicious Dog in accordance with the provisions of Section 21.
- b) If the Animal Shelter keeper or an Enforcement Officer determines on reasonable grounds that a dog is a Vicious Dog, either through personal observation or on the basis of facts determined after an investigation initiated by a complaint, he may;
- i) give the Owner a written notice that the dog has been determined to be a Vicious Dog: and
  - ii) require the Owner to keep such dog in accordance with the provisions of Section 21 of this Bylaw upon the Owner's receipt of the notice: and

- iii) inform the owner that if the Vicious Dog is not kept in accordance with Section 21 of this Bylaw, the Owner will be fined, or subject to endorsement action pursuant to Section 23 of this Bylaw.
- c) Where the Owner of a dog that has been determined to be a Vicious Dog produces information to the Enforcement Officer that may alter a determination made under Section (2), the Enforcement Officer shall, as soon as is reasonably possible, cause the matter to be reviewed and make a final determination.
- d) If a Vicious Dog is impounded by the Town for any offense under this Bylaw, an Enforcement Officer may order that the Dog remain in the custody of the Town Animal Shelter until the completion of the court process.
- e) The licensing fee for a restricted dog or vicious dog shall be set out in Schedule "A".
- f) An owner shall maintain in force a policy of liability insurance in a form satisfactory to the Chief Administrative officer of the Town of Millet, providing third party liability coverage in a minimum amount of Five Hundred Thousand (\$500,000.00) Dollars for injuries caused by the owner's restricted dog or vicious dog.
- g) This liability policy shall contain a provision requiring the insurer to immediately notify the Town in writing should the policy expire or be cancelled or terminated.
- h) Within three (3) months after the passage of this Bylaw, the owner shall provide to the license inspector, proof that such liability policy is in force before he may obtain a restricted dog license.
- i) Upon cancellation, expiry or termination of the liability policy, the dog license is null and void.

#### OFFENSES AND PENALTIES

- 24. Any person who contravenes the provisions of this Bylaw, or refuses to obey the direction of the Medical Officer or an Enforcement Officer given pursuant to this Bylaw, is guilty of an offense and may be issued with an violation ticket by an Enforcement Officer in the amount specified in Schedule "B & C".
- 25. Each day of violation of any provision of this Bylaw shall constitute a separate offense.
- 26. The levying and payment of any fines shall not relieve a person from the necessity of paying any fees, charges or costs from which he is liable under the provisions of this Bylaw.
- 27. A Justice of the Peace or Provincial Court Judge, in addition to the penalties provided in this Bylaw, may if he considers the offense sufficiently serious, direct or order the owner of the animal to prevent such animal from doing mischief or causing the disturbance or a nuisance complained of or to have the animal removed from the Town or to have the animal destroyed.
  - i) Provided no offense has occurred within the previous twenty-four (24) months, an offence shall be considered to be a first offence.
- 28. Bylaw 2005/10, 2005/11 and 2008/08 are hereby rescinded.
- 29. This Bylaw shall come into effect on the date of signing.

READ a first time this 25th day of February, 2009.

READ a second time this 25th day of February, 2009.

READ a third time this 25th of February, 2009.

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Mayor

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Chief Administrative Officer

**SCHEDULE "A"**  
**LICENSING FEES**

1. For each dog, with the exception of a restricted or dangerous dog, to be owned, kept, harbored or possessed, the license fee is as follows:

\$80.00 – LIFETIME

**LICENSING FEES**  
**RESTRICTED/DANGEROUS DOGS**

1. For each restricted or dangerous dog to be owned, kept, harbored or possessed, the license fee shall be as follows:

\$250 - LIFETIME

**SCHEDULE /“B”  
BYLAW 2008/12  
VIOLATION AND PENALTIES**

Violation Tickets and Voluntary Payment

- (a) Where an Animal Control Officer or a Bylaw Enforcement Officer believes that a person has contravened any provisions of this Bylaw, he may serve upon such person a ticket as provided in this section, by:
  - (i) either personally or by leaving a copy for him at his last or most usual place of abode with some person there present who is apparently at least Sixteen (16) years of age, or
  - (ii) by mailing a copy to the defendant by registered mail or certified mail to his last known post office address.
  
- (b) A notice or form commonly called a "Dog Control Ticket" having printed wording approved by the Town Council shall state the section of the Bylaw which was contravened and a voluntary penalty payment which is provided as follows shall be accepted by the Town in lieu of prosecution:
  - (i) the sum of Sixty (\$60.00) Dollars in respect of a first offence;
  - (ii) the sum of One Hundred (\$100.00) Dollars in respect of a second offence;
  - (iii) the sum of One Hundred and Fifty (\$150.00) Dollars in respect of a third and subsequent offence.
  
- (c) Upon production of a ticket issued pursuant to this section, within Seven (7) consecutive days from the date of issue, together with the voluntary penalty payment, to the Office of the C.A.O., the person to whom the ticket was issued shall not be liable for prosecution for the contravention in respect of which the ticket was issued.
  
- (d) An offence shall not be deemed to have been repeated if the subsequent offences are committed after expiration period of six months.
  
- (e) Notwithstanding the provisions of this section, a person to whom a ticket has been issued pursuant to this section may exercise his right to defence any charge of committing a contravention of any of the provisions of this Bylaw.

**SCHEDULE /“C”**  
**BYLAW 2008/12**  
**VIOLATION AND PENALTIES**  
**RESTRICTED/VICIOUS DOGS**

Persons who commit offences under this Bylaw are subject to the following fines:

- (a) failure to obtain and keep in force a dog license .....\$ 500.00
- (b) failure to maintain in force a liability insurance policy pursuant to Section 5 of this Bylaw .....\$ 1,500.00
- (c) failure to confine a restricted dog or a vicious dog when on the premises of the owner in accordance with this Bylaw .....\$ 500.00
- (d) failure to muzzle or otherwise secure a restricted dog or a vicious dog when off the premises of the owner .....\$ 500.00
- (e) if a restricted dog or vicious dog bites or attacks a person or animal, causing injury .....\$ 1,500.00
- (f) permitting a restricted or vicious dog to run at large .....\$ 500.00
- (g) an owner who commits for a second time, any of the offences listed in this section, providing the offence is committed within 6 months of committing the first offence, is subject to double the initial penalty.