



VILLAGE OF LOMOND

BYLAW No 675

Being a bylaw of the Village of Lomond in the Province of Alberta to enhance the welfare of residents and animals within the Village by enforcing a standard for animal behavior and living conditions.

WHEREAS pursuant to Section 7 of the *Municipal Government Act*, the council of a municipality may pass bylaws for municipal purposes respecting the safety, health, and welfare of people and the protection of people and property; wild and domestic animals and activities in relation to them; and the enforcement of bylaws made under the *Municipal Government Act* or any other enactment;

AND WHEREAS the Council of the Village of Lomond deems it to be in the public interest to pass a bylaw to establish and enforce minimum standards relating to the care of animals and to regulate, control, and to abate potential nuisances and dangers presented by animals in The Village of Lomond;

NOW THEREFORE the Council of the Village of Lomond, in the Province of Alberta, duly assembled enacts as follows:

1. This Bylaw may be cited as the "**Animal Control Bylaw**".

2. Definitions

In this Bylaw, unless the context otherwise requires:

"Animal Control Officer" – means a person, Firm or Corporation appointed by Village Council to carry out the provisions of this Bylaw.

"Animal Health Act" means the Animal Health Act (AHA), SA 2007, c. A-40.2 including regulations under the statute.

"At Large" means any animal herein defined that is on any place other than the property of the animal owner and while on such place is not restrained and or under effective control.

"Bylaw Enforcement Officer" means a Bylaw Enforcement Officer or a Peace Officer appointed by the Village pursuant to the Municipal Government Act (MGA), RSA 2000 c. M-26, and amendments thereto, to enforce the Village Bylaws, and includes a member of the Royal Canadian Mounted Police.



"Communicable Diseases" means an illness due to a specific infectious (biological) agent or its toxic products capable of being directly or indirectly transmitted from man to man, from animal to man, from animal to animal, or from the environment (through air, water, food, etc..) to man.

"Fowl" means a bird of any kind including domestic and exotic birds.

"Housed and Confined" – means to confine a female dog during the whole period of time that such dog is in heat in such a manner that the dog will not be source of attraction to other dogs.

"Kennel" – means a dwelling, shelter, room, or place so considered, housing or keeping two or more dogs over the age of six months.

"Land Use Bylaw" means The Village of Lomond's Land Use Bylaw as amended or replaced from time to time.

"Livestock" means these animals: Horse, Colt, Donkey, Mule; Cow, Calves, Steer, Oxen; Sheep, Goats, Ewes; Llama, Alpaca; Ostrich, Emus; Pigs, Piglets.

"Nuisance" means any animal that poses a health and or safety threat to an individual, property, or to the community at large by reason of accumulated animal waste; accumulation of material contaminated by animal waste; disposal of animal waste; disposal of material contaminated by animal waste; threat to public safety.

"Obstruction" means the hindrance of any person or persons appointed to enforce the provisions of this bylaw, in the performance of any duty authorized by this bylaw.

"Offspring" means the progeny of any Animal while depending on its parents for the necessities of life, which, without limiting the generality of the foregoing, shall mean the progeny under the age of 6 months.

"Owner" means any person, partnership, association, or corporation: owning, possessing, or having charge or control over any animal; harboring any animal; or suffering or permitting any animal to remain about the Owner's house, premises, or lands.

"Pound" – means a place that the Village Council shall provide or designate for the confinement of dogs impounded.

"Registered Veterinarian" has the same meaning as defined in the Veterinary Profession Act, R.S.A. 2000, Chapter V-2, as amended or repealed and replaced from time to time.



"Remedial Order" means an order written pursuant to Section 545 or 546, of the Municipal Government Act; RSA 2000, c. M-26, as amended or repealed and replaced from time to time; requiring the person responsible for the contravention to remedy it if the circumstances so require.

"Running at Large" means a dog which is not on a leash and under the direct control of a person responsible and is actually upon property other than the property of the owner. No person who is the owner of a dog shall permit or otherwise allow such dog to run at large within the Corporate Limits of the Village.

"Sterilized" means any female dog that has been spayed or any male dog that has been neutered.

"Tag" means a device as approved by the Council of the Municipality and issued by the license Inspector showing that a license fee has been paid for the dog wearing it for the year it was issued.

"Unmarked" means any cat which does not have any clear scars caused by any form of operation, no tattoos in the ears or does not wear any form of collar.

"Vicious Dog" is any dog:

- 1) With a propensity, tendency, or disposition to attack or injure, without provocation, other animals, or humans; or
- 2) Which attacks, bites or injures without provocation any human or animal; or
- 3) Which represents a continuing threat of serious harm to persons or animals.

"Village" means The Village of Lomond.

"Violation Ticket" means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000 c. P-34, as amended, and regulations thereunder.

"Wild" means any animal living in a state of nature or any wild animal.

"Wildlife" means big game, birds of prey, fur-bearing animals, migratory game birds, non-game animals, non-license animals and upland game birds, and includes any hybrid offspring resulting from the crossing of two (2) wildlife animals.

3. Nuisance and Running at Large

- 3.1. Nothing in this bylaw shall preclude the operation of the *Alberta Stray Animals Act*, RSA 2000, S-20, as amended from time to time, or the operation of any applicable Alberta legislation.

3.2. No Person shall cause an Animal to be Running at Large in the Village by:

3.2.1. Untying, loosening or otherwise freeing an Animal which has been tied or otherwise restrained, or

3.2.2. Negligently or willfully open a gate, door or other opening in a fence or enclosure in which an Animal has been confined.

3.3. No Person whether or not he/she is the Owner of an Animal which is being or has been pursued or captured by an Officer shall:

3.3.1. Induce the Animal to enter a house or other place where the Animal may be safe from capture or otherwise assist the Animal to escape capture,

3.3.2. Falsely represent himself/herself as being in charge or control of an Animal to establish that the Animal is not Running at Large, or

3.3.3. Unlock or unlatch or otherwise open the vehicle used in controlling or transporting the said Animal so as to allow or attempt to allow any Animal to escape therefrom.

4. Dogs

4.1. The maximum numbers of dogs in a single-family dwelling or household shall be restricted to two (2), excepting thereout any dog kennels.

4.2. Vicious Dog/Communicable Disease;

4.2.1. No person shall own, keep, maintain or harbor a dog of known vicious propensity.

4.2.2. Subsection 4.2.1 shall not apply to a trained police dog owned, kept, maintained or harbored by a law enforcement officer.

4.2.3. The owner of a dog which is suffering from any communicable disease shall not permit the dog to be in public place and shall not keep the dog in contact with or in proximity of any other dog free of such disease.

4.2.4. A person who owns, or harbors, maintains or keeps a dog which he knows or has reason to know is or may be suffering from rabies, or which they know or believe has been exposed to rabies shall:

4.2.4.1. Endeavor to keep the dog locked or tied up;



- 4.2.4.2. Not permit another animal to come in contact with other animals;
- 4.2.4.3. Immediately report the matter to the Medical Health Officer or Veterinary Doctor

4.3. Dog Licensing

- 4.3.1. The owner of a dog shall obtain an annual license for each dog and shall pay therefore an annual fee.
- 4.3.2. Where a person who is blind or whose vision is impaired, is the owner of the dog, trained and used as a guide dog, there shall be no fee payable by owner for a license under this section.
- 4.3.3. The licensing provisions of this bylaw shall not apply to dogs accompanying a person temporarily in the Village on business or vacation for a period not exceeding 14 days, or on such longer period as may be authorized by written permission from the Village of Lomond.
- 4.3.4. Obtain annual license for a dog after it becomes six months of age, on the first day when the Village Office is open for business after New Year's Day in every year.
- 4.3.5. Obtain a license which the dog has been impounded pursuant to this bylaw before such a dog may be claimed from the pound.
- 4.3.6. Owner of a dog shall ensure that the dog wear a collar and a current license.
- 4.3.7. Upon losing a dog license an owner of a dog shall present the receipt for payment of the current license fee to the Village Office who will issue a new tag to the owner at the amount outlined in Schedule "A".
- 4.3.8. No person shall be entitled to a license rebate under this bylaw.
- 4.3.9. Tags are not transferable from one dog to another, and no refund shall be made on any paid-up dog license fee because of the death, loss or upon the dog or owner's leaving the municipality before expiration of the license period.
- 4.3.10. In any prosecution or proceeding for a contravention of this section the burden of proof relating to the age of the dog shall be upon the owner and unless the contrary is proven the dog shall be



presumed to have attained the age of six months at the time relevant to the charge.

4.3.11. The CAO at the Village Office shall keep a record of all dogs licensed pursuant to this bylaw. Record shall indicate:

- 4.3.11.1. Date of License Issued
- 4.3.11.2. Name, address, phone number of owners of the dog
- 4.3.11.3. License number issued and amount paid
- 4.3.11.4. Breed, color, and sex of dog

4.4. License Fee

4.4.1. License fees shall be payable to the Village as outlined in Schedule "A" of this bylaw.

4.5. Authority To Impound

4.5.1. An Animal Control Officer may capture and impound any dog in respect of which he believes or has reasonable grounds to believe an offense under this Bylaw is being or has been committed.

4.5.2. An Animal Control Officer or any person authorized by this Bylaw to enforce the provisions contained herein may enter onto the land surrounding any building in pursuit of any dog which has been running at large.

4.6. Operation of Kennels

4.6.1. Kennels shall not be permitted on residential property unless the kennel is located not less than 100 feet from any other persons property and;

4.6.2. Further provides that if written complaints are received by the Village Office, or damage is proven as a result of the Kennel, Council may direct that the person operating the Kennel move or cease to operate same, and;

4.6.3. To operate a kennel, approval must first be granted through a Development Permit.

4.7. Appoint Pound Keeper

4.7.1. It shall be the duty of the Village to appoint a pound keeper and other such persons as they deem necessary for the carrying out of



the provisions of this bylaw as required and for keeping of the pound. It shall be the duty of the Village Council to establish a pound for the impounding of dogs captured pursuant to this bylaw. Council is further authorized and empowered to make any and all such rules and regulations not inconsistent with the provision.

4.7.2. The owner of any impounded dog may reclaim the dog from the Pound within 72 hours from time of impoundment, excluding weekends and statutory holidays by paying to the Pound keeper. All fees as authorized by Council and obtaining the license for such a dog as required by this bylaw.

4.8. Sale or Destruction:

4.8.1. The animal control officer or pound keeper shall sell or destroy a dog after the dog is retained in the pound for 72 hours, excluding weekends and statutory holidays, from the time of impoundment.

4.8.2. Buyer of the impounded dog shall obtain full right and title to it and become the new owner.

4.8.3. Pound keeper shall report any apparent illness, communicable disease, injury or unhealthy condition to a veterinarian and act upon recommendation. Owner, if known, will be held responsible for charges resulting from.

4.9. Obstruction

No person whether or not they are the owner of a dog which is being or has been pursued or captured shall;

4.9.1. Interfere with or attempt to obstruct an Animal Control Officer who is attempting to capture or captured a dog for impound pursuant to this bylaw;

4.9.2. Induce the dog to enter a house or other place to keep from being captured or assist dog to escape;

4.9.3. Falsely represent himself as being in charge or control of a dog so that the dog is not running at large;

4.9.4. Unlock or unlatch, open the Pound vehicle in which dogs kept for impoundment;



4.9.5. Remove or attempt to remove any dog from possession of the pound keeper

4.10. Negligence:

No person shall,

4.10.1. Untie, loosen or free dog;

4.10.2. Negligently or willfully open a gate door or fence of enclosure which dog has been confined and thereby allow a dog to run at large within the Village.

4.11. Torment

No person shall tease, torment or annoy a dog

5. Cats

5.1. The maximum number of cats in a single-family dwelling or household shall be restricted to two (2).

5.2. Any unmarked cat which is picked up by the dog catcher and/or turned over to the municipality by any resident of the municipality shall be impounded for a period of 72 hours, excluding weekends and holidays.

5.2.1. Notices shall be placed at the Village Office describing the cat and the methods the owner may use to claim the cat.

5.2.2. If owner of the cat is known, the owner will be phoned and requested that the cat be claimed immediately.

5.2.3. If after the 72-hour period of impoundment, the cat remains unclaimed, the cat shall be sold or destroyed.

6. Fowl, Livestock, and Animal Restrictions

6.1. It is prohibited to have Fowl or Livestock, on property districted by the Village Land Use Bylaw as:

6.1.1. Residential - R;

6.1.2. Commercial - C;

6.1.3. Industrial - I;

6.1.4. Public – P;



6.1.5. Transitional Agriculture – TA;

6.2. It is prohibited to raise and or possess any Wildlife on private property unless permitted to do so through the Provincial Fish and Wildlife Department.

7. Communicable Diseases Related to Animals

7.1. An owner of an animal which is suffering from a communicable disease:

7.1.1. Shall not permit the animal to be in a public place;

7.1.2. Shall not keep the animal in contact with or in proximity to any other animal free of such disease;

7.1.3. Shall keep the animal locked or tied up;

7.1.4. Shall immediately report the matter to the Registered Veterinarian and the Village Office.

8. Obstruction of Bylaw Enforcement Officer

No person shall obstruct a Bylaw Enforcement Officer appointed to enforce the provisions of this bylaw, in the performance of any duty authorized by this bylaw.

9. Penalties

9.1. Any person who contravenes a provision of this bylaw is guilty of an offence and is liable to penalty as set out in Schedule "B", herein.

9.2. Under no circumstances shall any Person contravening any provision of this Bylaw be subject to the penalty of imprisonment.

9.3. Notwithstanding specified penalties set out in Schedule "B" to this Bylaw:

9.3.1. If a Person is convicted twice under the same provision of this Bylaw within a twenty-four (24) month period, the specified penalty for the second conviction shall be twice the amount of the specified penalty for a first offence; and

9.3.2. If a Person is convicted three or more times under the same provision of this Bylaw within a twenty-four (24) month period, the penalty for the third and subsequent convictions shall be triple the amount of the specified penalty for a first offence.



9.3.3. Where a contravention of this Bylaw is of a continuing nature, a contravention shall constitute a separate offence in respect of each Day, or part of a Day, on which that offence continues.

9.3.4. This section does not prevent any Bylaw Enforcement Officer from issuing a violation ticket requiring a Court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedures Act, or from laying an information in lieu of a violation ticket.

9.3.5. The levying and payment of any fine 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 Bylaw

9.4. A Justice, after convicting an Owner of an offence under this Bylaw, may, if the Justice considers the offence sufficiently serious, direct, order or declare any one or more of the following:

9.4.1. That the Owner prevent the Animal from doing mischief or causing the disturbance or nuisance complained of;

9.4.2. That the Owner pay restitution for any expenses or costs incurred by any Person including but not limited to the Village as a result of the Owner's offence;

9.4.3. That the Animal be destroyed; or

9.4.4. That the Owner be prohibited from owning any Animal for a specified period.

10. Violation Tickets

10.1. An Officer is hereby authorized and empowered to issue a Violation Ticket to any Person whom the Officer has reasonable and probable grounds to believe a Person has contravened any provision of this Bylaw.

10.2. A Violation Ticket may be served on such Person who is an individual, either:

10.2.1. By delivering it personally to such Person, or

10.2.2. By leaving a copy for such Person at his/her last known Premises with an individual at the Premises who appears to be at least 18 years of age, and such service shall be adequate for the purposes of this Bylaw.

10.3. A Violation Ticket may be served on a Person which is a corporation, either:



10.3.1. by sending it by registered mail to the registered office of the corporation, or

10.3.2. By delivering it personally to the manager, secretary or other executive officer of the corporation or the person apparently in charge of a branch office of the corporation at an address held out by the corporation to be its address, and such service shall be adequate for the purposes of this Bylaw.

10.4. Where a contravention of this Bylaw is of a continuing nature, a contravention shall constitute a separate offence in respect of each Day, or part of a Day, on which that offence continues.

11. Officer Authority

11.1. An Officer is a designated officer for the purposes of Section 542 of the Municipal Government Act.

11.2. Where an Officer has reasonable grounds to believe that any provision of this Bylaw has been contravened, an Officer is authorized to:

11.2.1. enter upon any Premises between the hours of 8 am – 8 pm Monday-Friday, in accordance with Section 542 of the Municipal Government Act for the purpose of inspecting, remedying, or enforcing the provisions of this Bylaw including but not limited to enforcing the terms of a Remedial Order and carrying out the actions authorized within this Section after providing not less than 48 hours' prior notice to the owner or occupant of the Premises;

11.2.2. notwithstanding Section 12.2(a), in the event of an Emergency, the Officer is not required to give notice to the owner or occupant of the Premises prior to entering upon the Premises and is not required to enter the Premises at a reasonable time;

11.2.3. capture, seize, impound any Animal which is Running At Large, or which has caused or is alleged to have caused a Severe Injury or exhibited a Threat to Public Safety;

11.2.4. to take reasonable measures as necessary to subdue and control the Animal without injuring or causing undue distress to the Animal in the process of capturing, seizing and impounding the Animal including but not limited to the use of tranquilizer equipment and other capture devices;

11.2.5. where an Animal is injured or ill, deliver the Animal to a Registered Veterinarian for treatment prior to impounding the Animal;

11.2.6. issue a Remedial Order to an Owner of any Animal which has exhibited a Threat to Public Safety, caused or is alleged to have caused a Severe Injury, or has otherwise contravened any section of this Bylaw. The Remedial Order may:

11.2.6.1. direct the Owner to stop doing something or to change the way in which the Owner is doing it;

11.2.6.2. direct the Owner to take any action or measures necessary to remedy the contravention of this Bylaw;

11.2.6.3. state a time within which the Owner must comply with the Officer's directions and provide proof of compliance to the Officer, and

11.2.6.4. state that if the Owner does not comply with the directions within a specified time, the Village may take the action or measure at the expense of the Owner.

11.3. Any Person who receives a Remedial Order may request a review of the Remedial Order by Council in accordance with Section 547 of the Municipal Government Act by filing a written request for review of the Remedial Order together with the Remedial Order Review Fee as set out in Schedule "B" to this Bylaw with the Chief Administrative Officer within 14 days of receipt of the Remedial Order. The request for review shall set out the grounds for the request.

11.4. Within thirty (30) days after receipt of the request for review, Council shall review the Remedial Order and may confirm, vary, substitute or cancel the Remedial Order and shall issue a written decision, including reasons for the decision, to the Person who requested the review.

11.5. Any Person affected by the decision of Council may appeal the decision to the Court of King's Bench in accordance with Section 548 of the Municipal Government Act.

12. MISCELLANEOUS

12.1. It is the intention of Council that all offences created under this Bylaw be interpreted to be strict liability offences.



12.2. Each provision of this Bylaw is independent of all other provisions. If any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.


12.3. Nothing in this Bylaw relieves a Person from complying with any federal, provincial law or other regulation or Village bylaw or any requirements of any lawful permit, order, consent or other direction.

12.4. Nothing in this Bylaw limits the right of any Person to prosecute a claim for damage by reason of injuries to a Person or property resulting from any action of an Owner or any Animal.


13. This Bylaw shall come into force on the final passing thereof.

14. Bylaw 533 is hereby rescinded.

Received first reading this 20 day of November, 2024



Brad Koch, Mayor



Alex Whittington, CAO

Received second reading this 20 day of November 2024



Brad Koch, Mayor




Alex Whittington, CAO

Presented for unanimous consent of Council to proceed to third reading

this 20 day of November, 2024



Brad Koch, Mayor



Alex Whittington, CAO



Received third reading and finally passed this ____ day of _____, 2024

A handwritten signature in blue ink, appearing to be "Brad Koch", written over a horizontal line.

Brad Koch, Mayor

A handwritten signature in blue ink, appearing to be "Alex Whittington", written over a horizontal line.

Alex Whittington, CAO



Schedule "A"

License Fees

Item	Amount
Unspayed Female Dog or Unneutered Male Dog	\$20.00
Spayed Female Dog or Neutered Male Dog	\$10.00
Guide Dogs for the Blind	\$0.00
Replacement of Lost License	\$5.00



Schedule "B"

Penalties

Item	Amount
Impoundment Fee	Amount Expended
Care And Sustenance Fees	Amount Expended
Veterinary Fees	Amount Expended
Destruction Of Animal	Amount Expended
<p>The amounts to be paid to the Village by the Owner of an Animal in order to reclaim the Animal shall be the actual amounts incurred by the Village in providing care to the Animal including but not limited to the Impoundment Fee, Care and Sustenance Fees calculated on a per day or portion thereof basis, Veterinary Fees, and any costs of destroying the Animal.</p>	
Offence	Penalty
Nuisance Animals	\$250
At Large Animal	\$500
Fail To Maintain Repair/Sanitary Conditions	\$300
Keeping Of Livestock in Restricted Area	\$300
Exceeding Number of Permitted Animals	\$500
Raising and/or Possessing Wildlife	\$500
Communicable Disease, Allowing Animal in Public	\$300
Communicable Disease, Keeping Animal in Contact with Or Proximity to Any Other Animal	\$300
Communicable Disease, Failing to Keep Animal Locked or Tied Up	\$300
Communicable Disease, Failing to Report	\$300
Obstruct Bylaw Enforcement Officer	\$1,000
Remedial Order Review Fee	\$150