

## **IMPORTANT NOTICE**

### **Town of Black Diamond**



## **OFFICE CONSOLIDATION**

This document is consolidated into a single publication for the convenience of users. The official Bylaw and all amendments thereto are available from the Legislative Services Manager and should be consulted in interpreting and applying this Bylaw. In case of any dispute, the original Bylaw(s) must be consulted.

For easy reference the amending Bylaw Numbers are listed with a brief description.

**Printed by the Legislative Services Manager, by the authority of Town Council.**

# **Bylaw 16-01 Animal Control Bylaw Office Consolidation**

**Office Consolidated Version dated: November 15, 2017**

**BYLAW 16-01 OFFICE CONSOLIDATION  
TOWN OF BLACK DIAMOND**

**Includes Amending Bylaws:**

<b>Bylaw #</b>	<b>Description/Purpose</b>	<b>3<sup>rd</sup> Reading Date</b>
17-09	Amend Schedule E to more clearly state the rules for fencing yards	June 20, 2017

**BYLAW 16-01 OFFICE CONSOLIDATION  
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Being a Bylaw of the Town of Black Diamond, in the Province of Alberta, to provide for licensing, regulation and control of animals in the Town of Black Diamond,

**WHEREAS:** Pursuant to the Municipal Government Act, R.S.A. 2000, c. M-26 and amendments thereto, Council may pass a Bylaw for the purpose of regulating and controlling wild and domestic animals and activities in relation to them;

**AND WHEREAS:** It is deemed necessary and expedient to pass a Bylaw to License, regulate and control animals;

**AND WHEREAS:** Bylaws 14-05, 14-13 and 15-03 and all amendments thereto are hereby repealed and shall cease to have effect on the day this Bylaw is adopted.

**PURSUANT TO AND UNDER AUTHORITY OF THE MUNICIPAL COUNCIL OF THE TOWN OF BLACK DIAMOND, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:**

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**SECTION 1 - TITLE**

- 1.0 a) This Bylaw may be cited as the “Animal Control Bylaw”

**SECTION 2 – DEFINITIONS**

- 2.0 a) **“Animal”**, for the purpose of this Bylaw, means a dog, and includes a cat or any other animal where such animal is specifically referred to in a particular section of this bylaw.
- b) **“Animal Control Officer”** (ACO) means any individual(s) designated and appointed from time to time by the Town of Black Diamond for the purpose of administration and enforcement of this bylaw, and shall include a person designated as a Bylaw Enforcement Officer, a Peace Officer appointed by the Province of Alberta, and any member of the Royal Canadian Mounted Police.
- c) **“Animal daycare”** means a facility or premises used for the purpose of providing care for animals in return for remuneration on a daily basis, and does not include provision for overnight accommodation.
- d) **“Animal shelter”** means premises designated by the Town used for the impoundment, confinement and care of dogs and includes premises supplied by an independent contractor under contract with the Town to provide such premises.
- e) **“At large”** means where a dog is found or observed on public property or at a property other than the owner’s property and the dog is not properly restrained.
- f) **“Bylaw violation tag”** means a ticket or similar document issued by the Town pursuant to the Municipal Government Act.
- g) **“Controlled confinement”** means the confinement of an animal in a pen, cage or building or securely tethered in such a manner that ensures the animal is not harmed, and in a manner that will not allow the animal to bite, harm or harass any person or animal.
- h) **“Coop”** means a structure comprised of a henhouse and a run.
- i) **“Council”** means the Municipal Council of the Town of Black Diamond.
- j) **“Damage to property”** means damage to property other than the owner’s property and includes defecating on property other than property that belongs to the owner.
- k) **“Dog”** means a member of the canine family.
- l) **“Dog Breeder”** means any firm, person or corporation which is engaged in the operation of breeding and raising dogs for the purpose of selling, trading, bartering, giving away or otherwise transferring same.
- m) **“Domesticated Household Pet”** means any animal that has been tamed and made fit for a human environment, excluding wildlife.
- n) **“Feral animal”** means any animal that has reverted from the domestic state to a condition that more or less resembles a wild animal.
- o) **“Health Authority”** means the regional health authority established by the Minister of Health to provide health services to the Town.

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- p) **“Hen”** for the purposes of this Bylaw shall mean a female chicken.
- q) **“Henhouse”** shall mean a structure that houses hens at night and includes a secure place for hens to lay eggs and eat.
- r) **“Land Use Bylaw”** means the Towns Land Use Bylaw and any amendments thereto.
- s) **“Leash”** means a chain or other material capable of restraining a dog.
- t) **“Licence tag”** means an identification tag issued by the Town showing the licence number for a specific dog and is intended to be worn by the dog.
- u) **“Licence fee”** means the applicable annual fee payable to the Town in respect of a licence for any particular animal as set out in Schedule “A” of this bylaw.
- v) **“Livestock”** means:
  - i. A horse, mule, ass, swine, emu, ostrich, camel, llama, alpaca, sheep or goat;
  - ii. domestically reared or kept deer, reindeer, moose, elk ,or bison;
  - iii. farm bred fur bearing animals, including foxes and minks;
  - iv. animals of the bovine species;
  - v. animals of the avian species including chickens, turkeys, ducks, geese, pigeons or pheasants; and
  - vi. all other animals that are kept for agricultural purposes, but does not include dogs, cats or other domesticated household pets.
- w) **“Mature dog”** means a dog more than one (1) year old.
- x) **“Off-leash park”** means an area formally designated as such by Black Diamond Town Council.
- y) **“Order of the Court”** means an order issued by a court requiring a person to do or refrain from doing something.
- z) **“Owner”** means:
  - i. A person who has care, charge, custody, possession or control of an animal;
  - ii. a person who owns or claims any proprietary interest in an animal;
  - iii. a person who harbours, suffers or permits an animal to be present on any property owned, occupied or leased by him or which is otherwise under his control;
  - iv. a person who claims and receives an animal from the custody of the animal shelter or an Animal Control Officer or his/her designate; or
  - v. a person to whom a Licence Tag was issued for an dog in accordance with this Bylaw;

and for the purpose of this bylaw an animal may have more than one (1) owner.

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- aa) **“Owner’s property”** means any property in which the owner of an animal has 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.
- bb) **“Peace Officer”** means a member of a Royal Canadian Mounted Police, or a Community Peace Officer.
- cc) **“Permitted leash”** means a leash adequate to control the animal to which it is attached and which leash shall not exceed three (3) meters in length.
- dd) **“Permitted property”** means private property upon which the owner(s) of an animal has the expressed permission of the owner of that property to allow the owner(s) animal to be at large, thereon.
- ee) **“Properly restrained”** means the animal is:
  - i. being carried by a person capable of restraining the size and strength of the particular animal;
  - ii. being confined in a pen or like container, properly latched or locked; or
  - iii. being restrained by a person capable of restraining the size and strength of the particular animal by the means of a permitted leash attached to a choke chain, collar or harness attached to the animal.
- ff) **“Provincial Court” and “Court”** means The Provincial Court of Alberta and includes a judge or justice thereof, where the context so requires.
- gg) **“Pullet”** means a young hen, usually less than 1 year old.
- hh) **“Rear yard”** for the purposes of this Bylaw shall mean the space from the furthest rear wall of the residence to the property line.
  - ii) **“Rooster”** means a male chicken.
- jj) **“Run”** means a securely enclosed area, attached to a henhouse, permitting chickens to range freely within that space.
- kk) **“Running at large”** means an dog that is not properly restrained by the owner, excepting when a dog is within and/or upon the owners Property or other permitted property, or when a dog is Under Control of the owner within a designated off-leash area.
- ll) **“Serious wound”** means an injury to a human or an animal resulting from the action of an animal , that causes the skin to be broken or flesh to be torn and where immediate medical assistance is required.
- mm) **“Service Dog”** means a dog trained as a guide for a disabled person and having the qualifications prescribed by the Service Dog Act of Alberta.
- nn) **“Strict Liability Offences”** means public welfare and regulatory offences that do not require the town to prove intent, and that require the accused to prove to the court that he/she exercised due diligence or reasonable care.
- oo) **“Summons”** means a call or citation by an authority to appear before a court or judicial officer.

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- pp) **“Town”** means the Municipal Corporation or Administration of the Town of Black Diamond, or the geographical boundaries of the Town of Black Diamond, whichever the context so requires.
- qq) **“Under control”** means a dog that returns to its owner immediately when called or when commanded to do so, and that does not interfere with any other person or animal.
- rr) **“Vicious dog”** means a dog, whatever its age, whether on public or private property, which has:
- i. chased, injured or bitten any other domestic animal or human; or
  - ii. damaged or destroyed any public or private property; or
  - iii. clearly threatened, or created the reasonable apprehension of a serious threat to the safety of other domestic animal, or human; and
- which in the opinion of a Judge or Justice of the Provincial Court, presents an unacceptable threat of serious harm to other domestic animals or humans; and includes any dog that has been previously declared to be a vicious dog by the Provincial Court, pursuant to a bylaw of another Town.
- ss) **“Violation ticket”** means a ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000, c-P-34, as amended, and Regulations there under.
- tt) **“Wildlife (wild animal)”** means as defined in the Wildlife Regulation AR 143/97, or as amended from time to time.

**SECTION 3 – PURPOSE OF THE ANIMAL CONTROL BYLAW**

- 3.0 a) This bylaw is designed to promote safe and responsible pet ownership in the Town of Black Diamond.

**SECTION 4 – BASIC OWNER RESPONSIBILITIES**

- 4.0 a) The owner of a dog shall ensure that such dog does not:
- i. bite a person, whether on the property of the owner or not;
  - ii. do any other act that causes injury to a person, whether on the property of the owner or not;
  - iii. chase or otherwise threaten a person, whether on the property of the owner or not, unless the person chased or threatened is a trespasser on the property of the owner;
  - iv. bite or bark at, or chase livestock, bicycles, automobiles, or other vehicles;
  - v. bark or howl excessively or otherwise unreasonably disturb any person;
  - vi. cause damage to personal property, or injure/kill any other animal, whether on the property of the owner or not;

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- vii. upset any waste receptacles or scatter the contents thereof either in or about a street, lane, or other public property or in or about premises not belonging to or in the possession of the owner of the dog; or
  - viii. enter onto playground properties.
- 4.1 a) No dog owner or person in care and/or control of a dog, shall allow, permit or cause a dog to be running at large.
- b) Every person that owns, possesses or is in care and/or control of a dog shall ensure that the dog has a valid and current dog licence from the Town of Black Diamond.
- c) The owner of a female dog, which is in season, shall take all reasonable measures to keep the said dog at a location where the animal is not a source of attraction to other dogs.
- 4.2 a) No Dog Breeders are allowed to operate within the Town of Black Diamond, except as permitted by the Land Use Bylaw. All Federal, Provincial and Municipal statutes, bylaws and regulations must be complied with.

**SECTION 5 - COMMUNICABLE DISEASES**

- 5.0 a) An owner of an animal which is suffering from a communicable disease shall:
- i. not permit the animal to be in any public place;
  - ii. not keep the animal in contact with or in proximity to any other animal free of such disease;
  - iii. keep the animal locked or tied up; and
  - iv. immediately report the matter to the veterinarian inspector of the appropriate health of animal branch of the local office of the federal and/or provincial department of agriculture, and designated Animal Control Officer or his/her designate of the Town.

**SECTION 6 - LICENSING REQUIREMENTS**

- 6.0 a) Every person who is the owner of a dog which is six (6) months of age or older shall apply for a licence for that dog by submitting an application to the Town and, if the application is approved, by paying the applicable licence fee as set out in Schedule "A" of this bylaw. The owner shall pay the licence fee by January 31<sup>st</sup> of each year.
- i. If a person is the owner of a dog that reaches the age of six (6) months on a date after January 31<sup>st</sup>, or
  - ii. a person becomes an owner of a dog six (6) months of age or older on any date after January 31<sup>st</sup>, or



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- iii. an owner of a dog six (6) months of age or older takes up residence in the Town on any date after January 31<sup>st</sup>;  
the owner shall apply for the licence within seven (7) business days of the subject above-noted date.
- b) It is an offence under this Bylaw to be the owner of a dog which is unlicensed, where the dog is required to be licensed pursuant to this Bylaw.
- c) An owner shall provide, with each application for a licence, all the information as may be required by the Town or the Animal Control Officer or his/her designate.
- d) No person applying for a licence shall provide the Town or an Animal Control Officer or his/her designate, with false or misleading information with respect to the subject dog.
- e) If the application is approved and the required licence fee is paid, the owner will be supplied with a Licence Tag, which shall have a number, registered to that dog.
- f) An owner shall ensure that the Licence Tag is securely fastened to a choke chain, collar or harness worn by the dog and the Licence Tag must be worn by the dog at all times while on public property.
- g) Every Licence shall Every Licence shall expire on December 31<sup>st</sup> in the year in which it was issued.
- h) A licence issued under this bylaw shall not be transferable from one dog to another, nor from one owner to another.
- i) No person is entitled to a refund or a rebate for any licence fee.
- j) The Animal Control Officer or his/her designate may revoke a licence if:
  - i. The licence was issued on the basis of incorrect information or misrepresentation by the applicant;
  - ii. the licence was issued in error; or
  - iii. the owner contravenes any provision of this Bylaw or of the Dangerous Dogs Act of Alberta.
- k) Any person who, by reason of special needs, owns and uses a dog trained to assist that person shall, upon proof satisfactory to an Animal Control Officer or his/her designate, be exempt from licence fees.
- l) The licensing provisions of this Bylaw shall not apply to dogs accompanying a person temporarily in the Town for a period not exceeding three (3) weeks or when the Animal Control Officer or his/her designate is satisfied that the dog is trained and used to assist a person with a disability.
- m) A dog owner may have a lost tag replaced by presenting proof of the original purchase and paying a replacement fee in accordance with Schedule "A" of this Bylaw.
- n) No person, without consent of the owner of a dog, shall remove any collar or licence from a dog.
- o) The fees for dog licences and dog impoundment are set out in Schedule "A" of this Bylaw, and may be amended from time to time by resolution of Council.

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- p) The Animal Control Officer or his/her designate may review certain applications for licences, and from time to time may request the Development Officer to review certain licence applications, to ensure no part of the Land Use Bylaw is contravened. The Town may then issue a licence to the applicant, once the owner has submitted the fee, completed the application form, including the name of the owner, the address of the owner and the type and breed of the dog being licensed. Notwithstanding the foregoing, the Animal Control Officer or his/her designate; or the Town may refuse to issue a licence, where a reasonable belief exists that issuing the licence will exceed the maximum number of dogs permitted on a property, as set out in Section 7.0 b) of this Bylaw.

**SECTION 7- ANIMAL OWNERSHIP REQUIREMENTS**

- 7.0 a) An owner of an dog:
- i. must ensure that the dog has adequate food and water;
  - ii. must provide the dog with adequate care when the dog is ill or wounded;
  - iii. must provide the dog with reasonable protection from injurious heat or cold, including when contained within a vehicle; and
  - iv. must provide the dog with adequate shelter, ventilation and space and must provide the animal opportunity for periodic exercise sufficient to maintain good health, including the opportunity to be unfettered from a fixed area and to be exercised regularly under appropriate control.
- b) No person shall keep or have more than three (3) dogs on any owner's property located within the Town except as follows:
- i. the dogs in excess of three (3) are under the age of six (6) months; or
  - ii. the owner has all the required municipal and provincial approvals to operate:
    - a. a pet store/animal grooming business;
    - b. a veterinary clinic or animal hospital; or
    - c. an animal daycare;
- c) Notwithstanding Section 4.1(a) of this Bylaw, an owner of a dog is not required to have the dog on a Permitted Leash in a park or portion of a park which has been designated as an "Off-leash park" by the Town, provided that:
- i. the dog is not a Vicious dog; and
  - ii. the owner of the dog ensures that such dog is Under Control at all times.
- d) The Animal Control Officer or his/her designate shall consider the following factors when determining whether a dog is under sufficient control in an Off-leash park:

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- i. whether the dog is at such a distance from its owner so as to be incapable of responding to voice, sound or sight commands;
  - ii. whether the dog has responded to voice, sound or sight commands from the owner;
  - iii. whether the dog has bitten, attacked or done any act that injured a person or another animal;
  - iv. whether the dog has chased or otherwise threatened a person; or
  - v. whether the dog caused damage to property.
- e) Nothing in this Section relieves an owner or person from complying with any other provisions of this Bylaw.
- f) An owner shall not permit a dog to cause damage to public or private property within the Town.
- g) An owner shall not permit a dog in an area where the Town has posted a sign which prohibits the presence of dogs, regardless of whether or not such dog is At Large.
- h) The owner of a dog which defecates on property, which is not the owner's property, shall remove such defecated matter immediately and dispose of it in a sanitary manner.
- i) No person shall tease, torment, annoy, abuse or injure any animal.
- j) No person shall untie, loosen, or otherwise free an animal which is not in distress unless such person has the authorization of the owner.
- k) No person shall interfere with, hinder or impede an Animal Control Officer or his/her designate in the performance of any duty authorized by this Bylaw or provide information to an Animal Control Officer or his/her designate with the intention to deceive or obstruct the Officer in the performance of his duty so authorized by this bylaw.
- l) Persons disposing of dog feces shall deposit the feces in a private or municipal disposal container and shall secure the feces in a single plastic bag that will contain the feces and this shall be sealed so as not to permit any drainage of liquid or spillage of solid matter.
- m) The owner of a dog shall not allow the odour of dog feces on his/her property, or property within his/her care or control, to disturb, annoy or interfere with the enjoyment of neighbouring property by other persons.

**SECTION 8 – RESERVED FOR FUTURE USE**

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**SECTION 9 – TEMPORARY LICENCES**

- 9.0 a) A resident may register for a temporary dog licence in the event they are temporarily caring for a dog for a specified length of time. This temporary licence shall not exceed a period of thirty (30) days from the date of issue. This Temporary licence issued may not be renewed more than two (2) occasions, per calendar year, per household. Any holder of a temporary licence is bound by all provisions of this bylaw, and may have the licence cancelled at any time, based on the seriousness of a contravention of this bylaw. Schedule C is the required form to be completed.

**SECTION 10 - CONTROLLED CONFINEMENT AND SERIOUS WOUNDS**

- 10.0 a) Where a dog bite results in a serious wound being inflicted; the owner shall promptly report the incident to Black Diamond Protective Services, who shall report the incident to the Health Inspector of the Health Authority unless, at the officer's discretion, proper vaccination records can be obtained. The Health Inspector will advise the owner of the quarantine procedure. Protective Services shall keep the dog in controlled confinement until the Health Inspector has authorized the release of the dog from controlled confinement. The decision to release the dog to the owner from controlled confinement is at the discretion of the Animal Control Officer or his/her designate, who takes into the account the risk to public safety, the severity of the injury caused by the dog, and the issue of liability should the dog be released back into the custody of the owner.
- 10.1 a) An Animal Control Officer may issue a Court Appearance Violation Ticket or a Summons requiring the owner of a dog alleged to have caused a serious wound to appear before the Provincial Court, if the Officer believes it to be in the public interest. Upon application by the prosecutor, or upon the Court's own motion, the owner may be ordered by the Court, if the Court considers it is necessary to ensure the safety of humans and other animals, that pending the final disposition of the charges, the owner must:
- i. keep the dog in an enclosed and secured pen while outside on the owners property;
  - ii. keep the dog muzzled and restrained by a leash when the dog is off the owners property;
  - iii. post warning signs that a dangerous dog resides on the premises, on every entrance way to the subject property;
- or
- iv. have the dog euthanized by a veterinarian and produce a document to the Animal Control Office or his/her designate stating this was done.
- b) The owner of a dog that fails to comply with an Order of the Provincial Court, issued pursuant to Section 10.1(a) of this Bylaw, is guilty of an offence and liable to a fine of up to \$350.00 per day for each day of non-compliance. Where

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there is repeated or continuous non-compliance with such a Court Order, the Animal Control Officer or his/her designate is hereby authorized it to attend the property where the subject animal is kept and seize and impound the subject animal, pending the further determination by the Court of the matter.

- c) Upon demand made by the Animal Control Officer or his /her designate, the owner shall forthwith surrender for quarantine any dog which has inflicted a dog bite on any person or any animal which the Animal Control Officer or his/her designate has reasonable and probable grounds to suspect of having been exposed to rabies. The dog may be reclaimed by the owner if:
- i. the subject dog is adjudged free of rabies; and
  - ii. upon payment of the subject confinement expenses; and
  - iii. upon compliance with the licensing provisions of this bylaw.

**SECTION 11 - OWNER FAILS TO COMPLY WITH CONDITIONS**

- 11.0 a) An Animal Control Officer or his/her designate may place specific conditions on an owner of a dog following a contravention of this bylaw, or following the dog actions that occurred on or within private property. Upon the issuance of these conditions, the owner will be advised in writing, of the specific conditions that must be adhered to, should the owner wish to keep the dog within the Town of Black Diamond. The issuance of any conditions shall be based on the following:
- i. the severity of the contravention of this bylaw;
  - ii. the threat to public safety; and
  - iii. the actions taken by the Town, if any, to remedy any previous contravention of this bylaw.
- b) Should an owner of a dog fail to comply with any conditions of ownership imposed pursuant to this section, the owner is guilty of an offence under this Bylaw, and shall be liable to:
- i. a fine in accordance with the provisions of Schedule "B" or Section 22 of this Bylaw;
  - ii. seizure of the dog, at the owners expense, until the Animal Control Officer or his/her designate is satisfied that all ownership conditions have been met by the owner; and/or
  - iii. an Order of the Court to remove the dog from the Town of Black Diamond.
- c) Should the owner of a dog that was declared to be "Vicious" by the Court fail to comply with the conditions ordered by the Court, the owner is guilty of an offence under this Bylaw, and shall be liable to:
- i. A fine in accordance with the provisions of Schedule "B" or Section 22 of this Bylaw.
  - ii. seizure of the dog, at the owners expense, until the Animal Control Officer or his/her designate is satisfied that all the ownership conditions have been met by the owner; and/or

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- iii. an Order of the Court that the dog be removed from the Town of Black Diamond.

**SECTION 12 - RESERVED FOR FUTURE USE**

**SECTION 13- VICIOUS DOGS**

- 13.0 a) The owner of a vicious dog shall ensure:
- i. that such dog does not:
    - a. chase a person;
    - b. injure a person;
    - c. bite a person;
    - d. chase other animals, or
    - e. injure or bite other animals.
  - b) That such dog does not damage or destroy public or private property.
  - c) That when such dog is on the property of the owner:
    - ii. either such dog is confined indoors and under the control of a person over the age of eighteen (18) years, or
    - iii. when the dog is outdoors, it is in a locked pen or other structure constructed in accordance with the provisions of this section so as to prevent the escape of the vicious dog and capable of preventing the entry of any person not in control of the dog, or
    - iv. such dog is kept in accordance with the provisions of Section 13.0(d) while such dog is on the property of the owner, and outdoors;
    - v. the locked pen or other structure shall have secure sides and a secure top, and if it has no bottom secured to the sides, the sides must be embedded in the ground to a minimum depth of thirty (30) centimeters;
    - vi. the locked pen or other structure shall provide the vicious dog with shelter from the elements and be of the minimum dimensions of one and one-half (1.5) metres by three (3) metres and be a minimum one and one-half (1.5) metres in height;
    - vii. the locked pen or other structure shall not be within one (1) metre of the property line or within five (5) metres of a neighbouring dwelling unit.

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- d) That at all times, when off the owner's property, including off-leash parks, such dog is securely:
    - i. muzzled; and
    - ii. harnessed or leashed on a lead which length shall not exceed one (1) metre in a manner that prevents it from chasing, injuring or biting other animals or humans as well as preventing damage to public or private property; and
    - iii. under the control of a person over the age of eighteen (18) years, that is physically capable of controlling and restraining the dog.
  - e) That such dog is not running at large.
  - f) That every entrance way to the property where the vicious dog is kept is clearly posted with warning signs that a vicious dog resides on the premises.
- 13.1
- a) The owner of a vicious dog shall:
    - i. Make application for a vicious dog licence on or before the second day on which the Town Office is open for business after the dog has been declared as vicious;
    - ii. be over the age of eighteen (18) years;
    - iii. thereafter obtain the annual licence for the vicious dog on such day specified in Section 6 of this Bylaw;
    - iv. notify the Animal Control Officer or his/her designate should the dog be sold, gifted, or transferred or deceased;
    - v. remain liable for the actions of the dog until formal notification of sale, gift or transfer is given to the Animal Control Officer or his/her designate; and
    - vi. notify the Animal Control Officer or his/her designate if the dog is running at large.
  - b) The owner of a vicious dog shall ensure that the dog wears the current licence tag purchased for that dog, when the dog is off the owner's property.
  - c) The owner of a vicious dog shall within three (3) days after the dog has been declared vicious have a licensed veterinarian tattoo or implant an electronic identification microchip in the animal and provide the copy of the information contained thereon to the Animal Control Officer or his/her designate in order that a licence can be issued pursuant to Section 6 of this Bylaw.
  - d) The owner of any dog alleged to be vicious shall be provided notice of the hearing for the said determination by the Provincial Court.
  - e) Upon application, if it appears to the Court that the dog should be declared to be a vicious dog, the Court shall make an order in a summary way declaring the dog to be a vicious dog.

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TOWN OF BLACK DIAMOND**

**SECTION 14 - ANIMAL CONTROL AUTHORITY**

- 14.0 a) An Animal Control Officer or his/her designate may capture and impound any dog:
- i. which is observed or found running at large; or
  - ii. which is required to be impounded pursuant to the provisions of any Statute of Canada or of the Province of Alberta, or any regulation made hereunder.
- b) An Animal Control Officer, or his/her designate may enter onto the land surrounding any building in pursuit of any dog which has been observed running at large and may take such reasonable measures as necessary to subdue any dog which is at large, including the use of tranquilizer equipment and/or other capture devices.
- c) Black Diamond Protective Services, in consultation with the Town Council and the Planning and Development Officer, may designate areas where dogs are permitted to run when off leash, and may designate areas where organized and controlled canine events may be held by causing signs to be posted in such areas indicating such designations.

**SECTION 15 - IMPOUNDMENT OF DOGS**

- 15.0 a) No unauthorized person shall remove or attempt to remove from an animal shelter any dog impounded therein.
- b) No unauthorized person shall break in or assist in any manner, either directly or indirectly, in breaking into any animal shelter established by the Town under the provisions of this bylaw.

**SECTION 16 –ANIMAL SHELTER OPERATIONS**

- 16.0 a) The Town of Turner Valley will determine the hours of operation for the municipal animal shelter, in order to facilitate the claiming of dogs. These hours will attempt to accommodate the public or authorized agencies, however, may vary depending on operational demands and the availability of the Animal Control Officer or his/her designate.
- b) The owner will be responsible for any impoundment fees including those that may accrue on Sundays and/or Statutory holidays. In addition, impound fees may be doubled for those owners, whose dog(s) had been impounded on more than one occasion, within a calendar year.



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- c) If an owner is to claim a dog from the shelter, all applicable fees as set out in Schedule "A" must be paid at the Town Office, during regular office hours, prior to claiming the animal. The Town Office will accept the following for payment:
  - i. cash;
  - ii. cheque; or
  - iii. debit card.
- d) If an owner is to claim a dog from the animal shelter, and the Town Office is not open to the public, the owner may present payment for all applicable fees to the Animal Control Officer or his/her designate prior to claiming the dog. They will only accept in payment the following:
  - i. exact cash; or
  - ii. certified cheque or money order.
- e) The Animal Control Officer or his/her designate will make a reasonable attempt to contact the owner of an impounded dog. However, should the dog remain unclaimed at the conclusion of a seventy-two (72) hour period, then the dog will be released to the S.P.C.A. or any other animal welfare or adoption organization. The Town is no longer responsible for that dog or that organization's actions regarding that dog.

**SECTION 17- OBSTRUCTION**

- 17.0 (a) No person, whether or not he is the owner of a dog which is being or has been pursued or captured, shall:
- i. interfere with or attempt to obstruct an Animal Control Officer or his/her designate who is attempting to capture or who has captured a dog which is subject to being impounded pursuant to the provisions of the Bylaw;
  - ii. induce the dog to enter a house or other place where it may be safe from capture or otherwise assist the dog to escape capture;
  - iii. falsely represent themselves as being in charge or control of a dog so as to establish that the dog is not running at large; or
  - iv. unlock or unlatch or otherwise open the vehicle used in controlling or transporting the said dog so as to allow or attempt to allow any dog to escape there from.

**SECTION 18-OWNERSHIP OF LIVESTOCK**

- 18.0 a) No person shall keep Livestock in any area of the Town except where the keeping of Livestock is allowed under the Town of Black Diamond Land Use Bylaw.

**BYLAW 16-01 OFFICE CONSOLIDATION  
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- b) A person, found by a Peace Officer to be in contravention of Section 18.0a), may be subject to:
    - i. fines in accordance with Schedule B of this bylaw, or
    - ii. an Order for the removal of the livestock in accordance with Section 545 of the Municipal Government Act. All expenses incurred for said removal will be at the property owner's expense.
  - c) Section 18.0 does not apply to any livestock that has made successful application to appear in a municipally sanctioned event or parade.
  - d) The owners of any livestock temporarily entering the Town of Black Diamond must hygienically dispose of any faeces in accordance with the Environmental Protection and Enhancement Act, RSA 2000, or as amended from time to time.
- 18.1 a) Notwithstanding Section 18.0 a), any person who has applied for and been approved for ownership of Backyard Hens may keep hens in accordance with the terms of this Bylaw and its attached Schedules.

**SECTION 19- MISCELLANEOUS**

- 19.0 a) This Bylaw shall not apply to animals kept inside any veterinary clinic for the purpose of receiving medical attention, or being securely transported within a motor vehicle to or from a veterinary clinic.
- b) Any animal owner or licence applicant is responsible for and is not excused from ascertaining and complying with the requirements of any Federal, Provincial or other Municipal legislation, including the Town's Land Use Bylaw. Where the keeping of the dogs would not comply with any Federal, Provincial or other Municipal legislation, the Animal Control Officer or his/her designate may refuse to issue or may revoke a licence.
- c) No person shall bait, feed, or take any actions that may attract feral or wild animals, whether on private or public property, excepting the use of bird feeders and bird houses.
- d) No owner shall abandon an animal by failing to claim the animal at veterinary clinic, a licenced animal care organization or the municipal animal shelter.
- e) No owner, tenant, or occupant of a property, whether public or private, shall permit or allow any deceased animal to be visible to the public, or allow it to decompose and become a possible risk to public health, a nuisance, or an interference with the peaceful enjoyment of private or public property by others.

**SECTION 20- BYLAW VIOLATION TAGS AND PENALTIES IN LIEU OF PROSECUTION**

- 20.0 a) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to a penalty in lieu of prosecution, as set out in Schedule "B" of this Bylaw.

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- b) Where an Animal Control Officer reasonably believes that a person has contravened any provision of this Bylaw, he may serve upon such person a Bylaw Violation Tag as provided by this Section, either personally on the person or by leaving it for the person at his/her residence with a person on the premises who appears to be at least eighteen years of age, or by regular mail, and such service shall be deemed adequate for the purpose of this Bylaw.
- c) A Bylaw Violation Tag shall be in such a form as determined by the Town and shall state the Section of the Bylaw which was contravened and the amount of the penalty as provided for in Schedule "B" of this Bylaw that will be accepted by the Town in lieu of prosecution.
- d) Contained on Schedule "B", Column "A" identifies the minimum fine specified for that offence under this Bylaw by the Town. Column "B" identifies the maximum fine amount specified for that offence under this Bylaw, by the Town.
- e) The Town, in lieu of issuing the maximum fine for a specific offence under this Bylaw, may compel the owner to court, and the fine determined by the Provincial Court of Alberta.
- f) Notwithstanding Section 19.0(c) of this Bylaw, any person who commits the same offence twice or more times within a one (1) year period is liable to a penalty in lieu of prosecution which doubles the penalty amount set out in Schedule "B" of this Bylaw.
- g) Notwithstanding the provisions of this Section, a person to whom a Bylaw Violation Tag has been issued may exercise his/her right to defend any alleged violation of any provision of this Bylaw.

**SECTION 21- ADOPTION OR DESTRUCTION**

- 21.0 a) Any veterinary surgeon, being properly and fully qualified as required by the Province of Alberta, may destroy any animal delivered to the veterinarian by the Animal Control Officer, or an authorised employee of the Town of Black Diamond after injury to the animal, providing the said injury is determined by the veterinarian to be of such serious nature, based upon his or her professional opinion, that the animal must be destroyed immediately. Such costs of destruction may be billed to the Town, and the Town is at liberty to take all steps considered necessary to recover such costs from the owner of the animal.
- b) The costs of the humane destruction of an animal, whether such destruction is ordered by the Court or is consented to by the animal's owner or the owner's designate, is solely the responsibility of the owner or the owner's designate.

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- c) Apprehended dog(s) will be retained in the animal shelter for 72 hours (including weekends and holidays), unless the owner of the dog reclaims the dog or makes satisfactory arrangements with the Town for the further retention of the dog. In the event the 72 hour holding period has expired and the owner has failed to make arrangements to extend the impound period, the Town will make every reasonable effort to transfer custody of the dog to a “no-kill” facility or animal adoption agency.
- d) All dogs over which the Animal Control Officer has the power to have adopted or destroyed, pursuant to this Bylaw, become the property of the Town, and may be so disposed of in any manner provided for under this Bylaw. Where it is necessary, in the opinion of a qualified veterinarian, to have an animal destroyed, the animal shall be destroyed in a humane manner.
- e) The Animal Control Officer may retain a dog for a longer period than provided for in subsection (c), if in his opinion the circumstances warrant the expense.
- f) The adopting recipient of a dog from the animal shelter, pursuant to the provisions of this section, shall obtain full right and title to it, and the right and title of the former owner shall cease thereupon.
- g) All or any monies received for licensing, impoundment fees, or veterinary service become part of the general revenue of the Town and shall be deposited at the municipal office.

**SECTION 22 – GENERAL PENALTY SECTION**

- 22.0
- a) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than TEN THOUSAND (\$10,000.00) DOLLARS and not less than SEVENTY-FIVE (\$75.00) DOLLARS and in default of payment is liable to imprisonment for a term not exceeding ONE(1) YEAR.
  - b) Notwithstanding Section 22.0 of this Bylaw, the minimum fine on summary conviction in respect to a contravention of Section 13 of this Bylaw (Vicious Dogs) shall be THREE HUNDRED FIFTY (\$350.00) DOLLARS.
  - c) The levying and payment of any penalty, or the imprisonment for any period as provided for in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs for which that person is liable under the provisions of this Bylaw.
  - d) Upon convicting a person of an offence under this Bylaw, a Provincial Court Judge or Justice, in addition to the penalties provided for in this Bylaw may, if the offence is considered to be sufficiently serious, direct or order the person convicted of the offence to:
    - i. Take specific measures to stop the animal from doing the subject mischief or causing the disturbance or nuisance complained of;

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- ii. have the animal removed from the Town of Black Diamond; or
  - iii. have the animal humanely destroyed.
- e) A provincial court judge or justice, after entering a conviction against the owner of the dog for an offence under this Bylaw may, in addition to any other penalties imposed or orders made, and without further notice or hearing, declare the subject dog to be a Vicious dog as defined by this Bylaw.

**SECTION 23- ENFORCEMENT PROCEDURES AND SPECIFIED PENALTIES**

- 23.0 a) Where an Animal Control Officer believes that a person has contravened any provision of this Bylaw, he may serve upon such person a Violation Ticket in accordance with Part 2 of the *Provincial Offences Procedure Act, R.S.A. 2000, c.P-34*. The Violation Ticket will indicate the specified penalty payable in respect of the offence, or may require the accused to make a Court Appearance, where the issuing Officer believes it is in the Public Interest to require same.
- i. The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount provided for in Schedule "B" of this Bylaw in respect of that provision.
- b) Where any person contravenes the same provision of this Bylaw twice within one TWELVE (12) month period, the specified penalty payable in respect of the second such contravention shall be double the amount provided for in Schedule "B" of this Bylaw.
- c) Where any person contravenes the same provision of this Bylaw three times within one TWELVE (12) month period, the specified penalty payable in respect of the third such contravention shall be triple the amount provided for in Schedule "B" of this Bylaw.
- d) Where any person contravenes the same provision of this Bylaw four or more times within an EIGHTEEN (18) month period, the penalty payable in respect of the fourth or subsequent such contravention shall be determined by a Provincial Court Justice, and shall not be less than three times the amount provided for in Schedule "B" of this Bylaw.
- e) A person who has been issued a Bylaw Violation Tag, pursuant to Section 20 of this Bylaw, in respect of a contravention of a provision of this Bylaw, and who has fully paid the penalty as indicated to the Town within the time allowed for payment, shall not be liable to prosecution for the subject contravention.

**SECTION 24- GENERAL AND COMING INTO FORCE**

- 24.0 a) Whenever the singular and female gender is used in this Bylaw, the same shall include the plural, masculine and neutral gender whenever the context so requires.

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- b) The Town is not required to enforce this Bylaw. In determining whether to enforce this Bylaw, the Town may take into account any practical concerns, including the available budget and personnel resources.
- c) No action for damages shall be taken or allowed against the Town or any person acting in good faith under the authority of this Bylaw in respect of the destruction, sale or other disposal of any animal impounded pursuant to this Bylaw.
- d) It is the intention of the Council of the Town of Black Diamond that all offences created pursuant to this Bylaw be construed and considered as being Strict Liability Offences.
- e) It is the intention of the Council of the Town of Black Diamond that each section of this Bylaw should be considered as being separate and severable from all other sections. Should any section or part of this Bylaw be found to have been improperly enacted, then such section or part shall be regarded as being severable from the rest of this Bylaw and that the Bylaw remaining after such severance shall be effective and enforceable.
- f) This Bylaw shall come into effect upon third reading, and Bylaws 14-05, 14-13 and 15-03 and any amendments thereto, are hereby repealed upon this Bylaw coming into effect.

**READ A FIRST TIME** this  17th  day of  February  A.D. 2016.

**READ A SECOND TIME** this  17th  day of  February  A.D. 2016.

**READ A THIRD AND FINAL TIME** this  17th  day of  February  A.D. 2016.

Original signed  
MAYOR

Original signed  
CHIEF ADMINISTRATIVE OFFICER

Feb 17, 2016  
Date signed

**BYLAW 16-01 OFFICE CONSOLIDATION  
TOWN OF BLACK DIAMOND**

**SCHEDULE "A"**

**Annual Fee Schedule**

**1. Annual Licence Fees**

**1<sup>st</sup> 2<sup>nd</sup>, and 3<sup>rd</sup> Dog Licence, per household**

Dog – male or female unneutered / unspayed	\$60.00
Dog – neutered male or spayed female <i>(Proof of spay/neuter must be presented when purchasing licence)</i>	\$25.00
Dog – Late renewal penalty beginning February 1 <sup>st</sup> (per dog)	\$25.00
Vicious Dog	\$750.00
Replacement Dog Licence Tag	\$10.00
Temporary Dog Licence	FREE

**Backyard Hens**

Annual Coop Registration	\$25.00
Late renewal penalty, beginning February 1 <sup>st</sup>	\$25.00

**2. Impoundment Fees**

Impoundment (per day or portion thereof, per dog)	\$35.00
Impoundment of vicious dog (per day or portion thereof, per dog)	\$ 300.00

**3. Veterinary Services**

As incurred

**BYLAW 16-01 OFFICE CONSOLIDATION  
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**SCHEDULE "B"**

**Offences Schedule**

<b>SECTION</b>	<b>OFFENCE</b>	<b>Column "A" Minimum</b>	<b>Column "B" Maximum</b>
	<b>Basic Ownership Responsibilities</b>		
Sec 4.0 a) i.	Allow dog to bite person	\$350.00	\$500.00
Sec 4.0 a) ii.	Own dog that caused injury to a person	\$200.00	\$300.00
Sec 4.0 a) iii.	Allow dog to chase/threaten another	\$200.00	\$300.00
Sec 4.0 a) iv.	Allow dog to bite/bark at, or chase stock/bicycles /automobiles or other vehicles	\$150.00	\$250.00
Sec 4.0 a) v.	Allow dog to bark/howl or otherwise disturb others	\$200.00	\$400.00
Sec 4.0 a) vi.	Allow dog to cause damage/injure or kill another animal	\$300.00	\$500.00
Sec 4.0 a) vii.	Allow dog to upset waste receptacle/scatter waste on public/private property	\$150.00	\$300.00
Sec 4.0 a) viii.	Allow dog to enter onto playground properties	\$150.00	\$250.00
Sec 4.1 a)	Allow dog to run at large	\$200.00	\$300.00
Sec 4.1 b)	Fail to license dog	\$200.00	\$300.00
Sec 4.1 c)	Fail to keep dog in season from attracting other dogs	\$200.00	\$300.00
	<b>Communicable Diseases</b>		
Sec 5.0 a) i.	Permit diseased animal in public place	\$300.00	\$500.00
Sec 5.0 a) ii.	Fail to keep diseased animal from disease-free animals	\$300.00	\$500.00
Sec 5.0 a) iii.	Fail to secure diseased animal	\$300.00	\$500.00
Sec 5.0 a) iv.	Fail to report diseased animal	\$300.00	\$500.00



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	<b>Animal Licensing</b>		
Sec 6.0 d)	Provide false information for dog licence	\$200.00	\$300.00
Sec 6.0 f)	Dog fail to wear licence	\$75.00	\$200.00
	<b>Animal Ownership Requirements</b>		
Sec 7.0 a) i.	Fail to ensure dog has adequate food/water	\$300.00	\$500.00
Sec 7.0 a) ii.	Fail to provide adequate care for sick/wounded dog	\$500.00	\$1,000.00
Sec 7.0 a) iii.	Fail to provide adequate protection from heat/cold for dog	\$500.00	\$1,000.00
Sec 7.0 a) iv.	Fail to provide adequate shelter/ventilation/space for dog	\$300.00	\$500.00
Sec 7.0 b) i.	Harbour more than three (3) dogs	\$200.00	\$400.00
Sec 7.0 c) ii.	Fail to control dog in designated off-leash area	\$200.00	\$300.00
Sec 7.0 f)	Allow dog to damage public/private property	\$200.00	\$350.00
Sec 7.0 g)	Allow dog in area that prohibits dogs	\$150.00	\$300.00
Sec 7.0 h)	Fail to clean up after dog	\$150.00	\$200.00
Sec 7.0 i)	Torment/tease/annoy/abuse/injure animal	\$300.00	\$500.00
Sec 7.0 j)	Untie/loosen or free animal which is not in distress	\$200.00	\$300.00
Sec 7.0 k)	Interfere/hinder/impede or obstruct an Animal Control Officer	\$300.00	\$500.00
Sec 7.0 l)	Fail to properly dispose of dog waste	\$100.00	\$200.00
Sec 7.0 m)	Allow fecal odor to prevent the enjoyment of property	\$250.00	\$500.00
	<b>Controlled Confinement</b>		
Sec 10.0 a)	Failure to Report bite resulting in serious wound infliction	\$100.00	\$200.00

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	<b>Backyard Hens</b>		
Sec 18.0 a)	Keeping livestock in Town, where not permitted  or;  an Order for the removal of the livestock in accordance with Section 545 of the Municipal Government Act.	250.00  Costs incurred	250.00  Costs incurred
Sec 18.1 a)	Exceed maximum number of hens permitted	\$150.00	\$150.00
Sec 18.1 a)	Fail to maintain coop in a sanitary condition	\$150.00	\$150.00
Sec 18.1 a)	Keeping hens while not permitted	\$150.00	\$150.00
Sec 18.1 a)	Slaughter hens within Town limits	\$150.00	\$150.00
Sec 18.1 a)	Keeping one or more roosters	\$ 150.00	\$ 150.00

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**SCHEDULE C**

**TEMPORARY DOG LICENCE APPLICATION**

Date of Application: \_\_\_\_\_

Name of Carer: \_\_\_\_\_

**Phone Numbers:** Home: \_\_\_\_\_ Alternative: \_\_\_\_\_  
(please include area code)

Mailing Address: \_\_\_\_\_

Civic (Street) Address: \_\_\_\_\_

Breed of Dog: \_\_\_\_\_

Description / Markings: \_\_\_\_\_

**Name of Dog:** \_\_\_\_\_

Sex of Dog (circle one) F = FEMALE M = MALE

Year Born: \_\_\_\_\_

Neutered or Spayed YES NO (circle one)

Dates at property (max 30 days) \_\_\_\_\_

Temporary Licence: **FREE** Replacement tags: \$10.00

**Please Note: in accordance with Animal Control Bylaw**

9.0 a) A resident may register for a temporary dog licence in the event they are temporarily caring for a dog for a specified length of time. This temporary licence shall not exceed a period of thirty (30) days from the date of issue. This Temporary licence issued may not be renewed more than two (2) occasions, per calendar year, per household. Any holder of a temporary licence is bound by all provisions of this bylaw, and may have the licence cancelled at any time, based on the seriousness of a contravention of this bylaw. Schedule C is the required form to be completed.

**Tag #** \_\_\_\_\_

P.O. BOX 10, BLACK DIAMOND, ALBERTA T0L 0H0  
TELEPHONE (403) 933-4348 • FAX (403) 933-5865  
[info@town.blackdiamond.ab.ca](mailto:info@town.blackdiamond.ab.ca) [www.town.blackdiamond.ab.ca](http://www.town.blackdiamond.ab.ca)

BYLAW 16-01 OFFICE CONSOLIDATION  
TOWN OF BLACK DIAMOND



Serving Our Community

**SCHEDULE D**  
**Backyard Hen Application Form**  
*Applicants must be 18 years of age or older.*

Coop Registration Fee paid by \_\_\_\_\_ Receipt #: \_\_\_\_\_

Applicant \_\_\_\_\_

Mailing Address \_\_\_\_\_ Roll # \_\_\_\_\_

Civic Address \_\_\_\_\_

Phone \_\_\_\_\_ Alternate \_\_\_\_\_ Alternate \_\_\_\_\_

Email \_\_\_\_\_

Own home Y / N Rent Home Y / N *(Signed letter of permission from Landlord required – please attach)*

Number of hens (max 6) \_\_\_\_\_

PID form included Y / N Submitted to Department of Agriculture Y / N

Lot size \_\_\_\_\_ Yard fenced Y/N Fence height \_\_\_\_\_

Provide a description/photo of intended coop, including size of coop and run, and describe the intended location within your yard. Please refer to “Requirements and Best Practices for Backyard Hens”.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Coop size \_\_\_\_\_ Run size \_\_\_\_\_ Total square footage: \_\_\_\_\_

Did you attend a CLUCK Pre-program Education Y / N

**Any personal information on this form is collected under the authority of section 33 (c) the Freedom of Information and Protection of Privacy (FOIP) Act for the purpose of Backyard Hens ownership. If you have any questions about the collection, use and protection of this information please call the FOIP Coordinator at 403-933-4348.**

P.O. BOX 10, BLACK DIAMOND, ALBERTA T0L 0H0  
TELEPHONE (403) 933-4348 • FAX (403) 933-5865  
[info@town.blackdiamond.ab.ca](mailto:info@town.blackdiamond.ab.ca) [www.town.blackdiamond.ab.ca](http://www.town.blackdiamond.ab.ca)

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**SCHEDULE D Page 2 of 2**

Upon approval by the Town of my Application for Backyard Hens I, \_\_\_\_\_  
the Applicant, agree that:

- *I have truthfully and to the best of my ability completed the Application form, and submitted the required Coop Registration Fee.*
- *I am aware that if my hens cause a complaint to be made that I could be fined by the Town. If the problem is not resolved, fines may be issued in accordance with the Bylaw and further, I could be ordered to dispose of my hens, by a Peace Officer.*
- *I will dispose of or remove all hens within 30 days of notification of a requirement to do so.*
- *I am aware of the "Requirements and Best Practices for Backyard Hens" document (Schedule E of this Bylaw), and understand that I am required to adhere to those requirements and practices.*
- *I am aware that the Animal Control Bylaw (and any amendments thereto) has been duly passed by Council and I understand my requirement for compliance with that bylaw.*
- *I am aware that a Peace Officer will attend my home after receiving notification that my hens and their coop have been installed, to observe my backyard hen operation and confirm that I am in compliance with the Best Practices. These meetings will be prearranged.*
- *I understand that any inspections arising from complaints will be carried out at the Peace Officers' discretion. An appointment with the owner of the hens is not required in such cases.*
- *I understand that I am required to annually renew my Coop Registration, not later than January 31 of each year. If I am late renewing, penalties will apply and fines may be imposed in accordance with the Bylaw.*

**Applicant Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

For Office Use Only

**The Applicant has met all requirements, and is hereby approved for ownership of Backyard Hens in the Town of Black Diamond, and the Applicant may now install the coop and hens.**

\_\_\_\_\_  
**Approved by**

\_\_\_\_\_  
**Date**

**The Applicant has NOT been approved for ownership of Backyard Hens for the following reasons:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**The Applicant may NOT keep backyard hens**\_\_\_\_\_

**The Applicant may correct and confirm the above noted and be reconsidered for Approval**\_\_\_\_\_

**BYLAW 16-01 OFFICE CONSOLIDATION  
TOWN OF BLACK DIAMOND**



**SCHEDULE E**

**REQUIREMENTS and BEST PRACTICES for BACKYARD HENS**

**RULES**

- Roosters are not permitted.
- Maximum number of hens is 6.
- It is unlawful to slaughter hens within Town limits.
- Minimum lot size is 5500 square feet, single family dwellings only.
- 17-09 • Rear Yards must be securely fenced.
- Hen owners will be warned once of any infraction. Any repeat infraction will be cause for fines in accordance with the Bylaw.

**HENS**

- Disposing of hens - if the hen died of an unknown reason it is recommended that it be vet checked to protect the health of the other hens. Otherwise it can be disposed of in the garbage.

**COOP**

- Coops must be in the rear yard at least 1 metre from the side property line and 1.5 metres from the rear property line. Size cannot exceed 100 square feet without a development and building permit.
- Be aware of the space requirements for your hen house - minimum 3 square feet per hen.
- Coops shall be in good repair, capable of being maintained in a clean and sanitary condition, free of vermin, obnoxious smells and substances and not create a nuisance or disturbance at neighboring residences due to noise, odor, damage or threats to public health.
- Locate the coop in a place that will be mindful and considerate of your neighbours.

**CARE & FEEDING**

- Do your research on the care of hens - CLUCK, education online, or in the community.
- Proper care and feeding practices must be followed.
- Food must be stored in such a way as to discourage predators.
- You may register your hens' "caregiver" with the Town when you plan to be away from home.

**APPROVAL / REGISTRATION REQUIREMENTS**

- Premise Identification Program (PID) - pick up at Town Office or download form at [http://www1.agric.gov.ab.ca/\\$department/deptdocs.nsf/all/trace12354](http://www1.agric.gov.ab.ca/$department/deptdocs.nsf/all/trace12354) and submit to the Department of Agriculture as per instructions.
- Complete and submit the Town's Application Form and a copy of submitted PID form.
- Upon verification of meeting guidelines the Applicant will be contacted within a week.

P.O. BOX 10, BLACK DIAMOND, ALBERTA T0L 0H0  
TELEPHONE (403) 933-4348 • FAX (403) 933-5865  
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**BYLAW 16-01 OFFICE CONSOLIDATION  
TOWN OF BLACK DIAMOND**

**Bylaw 16-01**  
**Animal Control Bylaw**  
**Office Consolidation**

Following are the amending bylaws used in the Office Consolidation of this Bylaw, in order of Occurrence, as listed on Page 2 of this Consolidation document.

**BYLAW 17-09  
TOWN OF BLACK DIAMOND**

**A BYLAW TO AMEND A BYLAW WITHIN THE TOWN OF BLACK DIAMOND,  
IN THE PROVINCE OF ALBERTA.**

**WHEREAS**, pursuant to the Municipal Government Act, R.S.A. 2000, c. M-26, and amendments thereto, the Council of the Town of Black Diamond in the Province of Alberta has adopted Bylaw 16-01, known as the Animal Control Bylaw;

**AND WHEREAS**, the Council wishes to exercise its authority pursuant to the Municipal Government Act to amend Bylaw 16-01;

**NOW THEREFORE** the Council of the Town of Black Diamond, in the Province of Alberta, duly assembled, hereby enacts as follows:

**1. AMENDMENTS**

- 1.1.** The fifth bullet point of the Rules section of Schedule E, Requirements and Best Practices for Backyard Hens "Yards must be securely fenced." is deleted in its entirety and replaced by the bullet point "Rear Yards must be securely fenced."

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

**READ A FIRST TIME** this 21<sup>st</sup> day of June A.D. 2017.

**READ A SECOND TIME** this 21<sup>st</sup> day of June A.D. 2017.

**READ A THIRD AND FINAL TIME** this 21<sup>st</sup> day of June A.D. 2017.

  
MAYOR

  
LEGISLATIVE SERVICES MANAGER

June 21 2017  
Date signed