

Bill No. 59 of 1945.

A BILL TO AMEND THE DOMESTIC ANIMALS ACT  
(MUNICIPALITIES)

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NOTE.

Section 1 of this Bill introduces a new definition of "Animal running at large". Clause (ii) deals with animals, whether under control of an owner or not, which are grazing on lands of which the owner of the animals has no right of occupation, or are grazing upon a highway.

Section 2 changes the form of notice of introduction of a by-law under the Act by changing the number of proprietary electors who may by petition apply for a vote on the by-law from "at least forty proprietary electors" to "fifteen per cent of the proprietary electors of that part of the municipality covered by the by-law."

The amendment to section 26 made by section 3 of the Bill defines the different ways in which an animal may be taken to a pound.

Section 27 of the Act, amended by section 4 of the Bill deals with the time for appeal from the amount claimed as damages upon an impounding. The change is meant to make it more definite to the owner when the time for appeal expires.

The amendment to section 28 made by section 5 of the Bill is for the purpose of clarification and deals with the right of action for damages for animals trespassing. It might appear from the section as it stands that only a person impounding has an action for damages, whereas any person has a right of action, but, under the section, loses it if he impounds.

Section 7 of the Bill amends section 44 of the Act dealing with fees of the poundkeeper. The fees for caring for impounded animals are increased from .25, .35, .10 and .05 respectively. The fee for notice to owner is increased from 25 cents to 50 cents and the maximum fees for care and sustenance are increased from \$12.00 to \$20.00.

The amendment to section 48 requires two other residents instead of one, to authorize the poundkeeper to destroy, or otherwise dispose of, a worthless animal which the owner has not redeemed. It is also provided that the secretary-treasurer may order the destruction, or other disposal, instead of the council.

W. S. GRAY,  
*Legislative Counsel.*

*(This note does not form any part of the Bill but is offered in explanation of its provisions.)*

# BILL

No. 59 of 1945.

An Act to amend The Domestic Animals Act  
(Municipalities)

(Assented to \_\_\_\_\_, 1945.)

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Domestic Animals Act (Municipalities)*, being chapter 91 of the Revised Statutes of Alberta, 1942, is hereby amended as to section 2 by striking out paragraph (a) thereof, and by substituting therefor the following:

“(a) ‘Animal running at large’ means,—

“(i) an animal which is off the premises of its owner, and is not under the immediate, continuous and effective control of its owner;

“(ii) an animal, whether under the control of its owner or not, grazing upon lands other than lands in respect of which the owner of the animal has the right of occupation or upon any highway or road allowance;

and ‘run at large’ shall have a meaning corresponding to ‘running at large’.”

2. The said Act is further amended as to section 18,—

(a) by striking out the form of notice contained in subsection (1) thereof and by substituting therefor the following:

“Public notice is hereby given that there has been introduced in the council of..... a by-law of which the following is a short synopsis: (here insert short synopsis of by-law), and that a copy of the same may be seen in each of the following places: (here insert a list of the places at which the by-law may be seen), and further that unless within thirty days from the publication of this notice at least fifteen per cent of the proprietary electors of that part of the municipality covered by the by-law petition the council to submit the by-law to the vote of the proprietary electors of the said part of the municipality the council will proceed to pass the same.”;

— (b) by striking out subsection (6) thereof.

**3.** The said Act is further amended as to section 26 by striking out the word “drive”, where the same occurs therein, and by substituting therefor the words “drive, lead, take or convey”.

**4.** The said Act is further amended as to section 27 by striking out the words “the date provided for redeeming such animal”, where the same occur in subsection (4) thereof, and by substituting therefor the words “fifteen days after the impounding of the animal”.

**5.** The said Act is further amended as to section 28,—

- (a) by striking out the words “impounding an animal” where the same occur therein;
- (b) by striking out the word “moreover” where the same occurs therein.

**6.** The said Act is further amended as to section 41 by striking out the words “pound district”, where the same occur therein, and by substituting therefor the word “municipality”.

**7.** The said Act is further amended as to section 44,—

- (a) by striking out paragraph (b) of subsection (1) thereof, and by substituting therefor the following:
 

“(b) To the poundkeeper to provide for the care and sustenance of such animal for each day or fraction thereof such animal is impounded as follows:

For each stallion, bull, jack or boar.....	\$1.00
For each ram or he-goat.....	.35
For each horse, mule, ass, head of cattle or swine .....	.50
For each sheep or goat.....	.20
For each goose.....	.10”;
- (b) by striking out the words “twenty-five cents”, where the same occur in paragraph (c) of subsection (1) thereof, and by substituting therefor the words “fifty cents”;
- (c) by striking out the words “twelve dollars”, where the same occur in subsection (2) thereof, and by substituting therefor the words “twenty dollars”.

**8.** The said Act is further amended as to section 48,—

- (a) by striking out the words “one other resident”, where the same occur in subsection (3) thereof, and by substituting therefor the words “two other residents”;
- (b) by striking out the word “council,” where the same occurs in subsection (3) thereof, and by substituting therefor the words “secretary-treasurer”;

**9.** This Act shall come into force on the day upon which it is assented to.

FIRST SESSION  
TENTH LEGISLATURE  
9 GEORGE VI  
1945

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**BILL**

An Act to amend The Domestic  
Animals Act (Municipalities).

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. GERHART.

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A. Shnitka, King's Printer  
1945