

No. 41

2nd Session, 14th Legislature, Alberta
9 Elizabeth II

BILL 41

A Bill to amend The Domestic Animals (Municipalities)
Act

HON. MR. HOOKE

Explanatory Note

2. Section 29, subsection (5) is revised to clarify the procedure to be followed in assessing damages for maintaining an impounded animal. Section 29 reads:

"29. (1) A person impounding an animal shall at the time of impounding deliver to the poundkeeper a written statement

- (a) describing the animal impounded, and
- (b) setting forth

- (i) the name of the owner, if known,
 - (ii) the place where the animal was found, and
 - (iii) the amount of damages, if any, claimed,

and if damages are claimed he shall at the same time deposit with the poundkeeper the sum of two dollars as security for the cost of an investigation under subsection (4).

(2) The poundkeeper shall impound the animal and is responsible for the feed and safekeeping thereof so long as he is legally bound to hold the animal.

(3) The poundkeeper is entitled to receive the amount of the damages caused by, and all charges for the keep of, the animal, and other incidental expenses, before delivering it up to the owner thereof.

(4) The owner of an impounded animal or a person on his behalf may, not later than fifteen days after the impounding of the animal, appeal to the council in writing addressed to the secretary-treasurer of the municipality, against the amount claimed as damages and shall as a condition to the appeal deposit with the council the sum of two dollars as security for the cost of an investigation.

(5) The council or a committee thereof shall after such investigations as it deems necessary, determine and fix the amount to be paid by the owner of the animal, and the decision of the council is final and binding on all parties.

(6) The council or a committee of the council upon conducting an investigation on an appeal may charge a fee of two dollars and the fee belongs to the general revenue of the district, and may order

- (a) that the deposit of either party to the appeal be applied for that purpose, and
- (b) that any other deposit be returned to the party making it, but if no investigation is held no fee is chargeable and the deposits shall be returned to the persons making the same."

BILL

No. 41 of 1961

An Act to amend The Domestic Animals (Municipalities) Act

(Assented to _____, 1961)

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

1. *The Domestic Animals (Municipalities) Act*, being chapter 88 of the Revised Statutes is hereby amended.

2. Section 29 is amended by striking out subsection (5) and by substituting the following subsections:

(5) The council shall appoint a committee which shall after such investigation as it deems necessary recommend to the council the amount of damages to be paid by the owner of the animal.

(5a) Upon receipt of the recommendation the council shall instruct the secretary-treasurer to advise, in writing, the owner of an impounded animal and the person impounding the animal of the recommendation of the committee.

(5b) The owner or person impounding an animal may within twenty-one days of the mailing of the notice of the recommendation appeal either in writing or in person to the council against the recommendation.

(5c) Upon hearing the appeal the council shall determine and fix the amount to be paid by the owner of the animal, and the decision of the council is final and binding on all parties.

(5d) If no appeal is filed within the time limited by subsection (5b), the council shall fix the amount to be paid by the owner of the animal at the sum recommended by the committee and the decision of the council is final and binding on all parties.

3. This Act comes into force on the day upon which it is assented to.

No. 41

SECOND SESSION

FOURTEENTH LEGISLATURE

9 ELIZABETH II

1961

BILL

An Act to amend The Domestic
Animals (Municipalities) Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HOOKE
