

ALBERTA ANIMAL PROTECTION ACT

CHAPTER A-41

SECTION	PROVISIONS	EXEMPTIONS
1 (1)	<p>Definitions (a) “animal” does not include a human being (g) “peace officer” means a member of the RCMP, a member of a municipal police service, or someone appointed under the <i>Peace Officer Act</i></p>	
1 (2)	<p>An animal is in distress if it is (a) deprived of adequate shelter, ventilation, space, food, water or veterinary care or reasonable protection from injurious heat or cold; (b) injured, sick, in pain or suffering, or (c) abused or subjected to undue hardship, privation or neglect</p>	
2 (1)	<p>Prohibition Against Causing Distress No person, or owner of an animal, or person in charge of an animal, shall cause or permit an animal to be in distress</p>	
2 (2)		<p>This prohibition does not apply if the distress results from an activity carried on in accordance with the Regulations, or in accordance with reasonable and generally accepted practices of animal management, husbandry, hunting, fishing, trapping, pest control or slaughter</p>
SECTION	PROVISIONS	EXEMPTIONS
2.1	<p>Animal Care Duties: A person who owns or is in charge of an animal must:</p>	

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	<p>a) ensure the animal has adequate food and water; b) provide adequate care when animal is wounded or ill; c) provide the animal with reasonable protection from injurious heat or cold d) provide the animal with adequate shelter, ventilation & space</p>	
3 (1)	<p>Powers of Peace Officer If an animal is in distress and the owner or person in charge of the animal does not immediately take steps to relieve the distress, or if the peace officer believes the person is unlikely to relieve the animal's distress, or if the owner or person in charge of the animal cannot be found, a peace officer may, in accordance with section 4, take any action necessary to locate the animal and relieve its distress, including taking custody of the animal</p>	
3 (2)	<p>A peace officer who takes custody of an animal shall deliver the animal to a humane society or to a caretaker, if there is no humane society close to where the animal was found</p>	
3 (3)	<p>If the animal is found to be in such distress that in the opinion of a vet, or if a vet is not available, then in the opinion of the peace officer, the animal cannot be relieved of its distress and live without undue suffering, the peace officer may destroy the animal, and the owner is liable for the costs of destroying it</p>	
SECTION	PROVISIONS	EXEMPTIONS
4 (1)	<p>Authority to Enter Premises A peace officer who has reasonable and probable grounds to believe an animal is in distress on any land or in any vehicle or place <u>other than a private dwelling house</u>, may, without a warrant, enter the land, vehicle or place to determine whether the animal is in distress, and if necessary, carry out the duties under section 3</p>	

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4 (2)	A peace officer who has reasonable and probable grounds to believe an animal is in distress in a private dwelling house shall obtain a warrant to enter the private dwelling house to carry out the duties under section 3	
4 (3)	If requested, a peace officer shall produce to the animal's owner his/her certificate of appointment as a peace officer	
4 (4)	A peace officer shall only use reasonable force to enter or search any land, vehicle or place	
4.1 (1)	Abandoned Animal An animal is deemed abandoned if a) it is left for more than 24 hours without adequate food or water or shelter; b) it is left for 5 days or more after the expected retrieval time from a vet or from someone who boards or cares for the animal; c) is found on premises where the tenancy agreement has been terminated	
4.1 (2)	A peace officer may take an abandoned animal into custody whether or not it is in distress	
SECTION	PROVISIONS	EXEMPTIONS
5 (1)	Duty to Provide Care A peace officer who takes custody of an animal shall take reasonable steps to ensure the animal is provided with transportation, food, water, veterinary care, if necessary	
5 (3)	A humane society or caretaker to whom the animal is delivered may recover its expenses incurred on behalf of the animal from the owner before the animal is returned to the owner	
5 (4)	A humane society or caretaker may recover unpaid expenses in respect of the animal in an action in debt against the owner	

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6	<p>Duty to Locate Owner The humane society or caretaker shall take reasonable steps to find the owner of the animal taken into custody</p>	
7	<p>Sale or Gift of Animal If the owner is not located within 3 business days, or if owner is located but does not within 3 days pay expenses incurred by the humane society or caretaker, the animal may be sold or given away. If the animal is a purebred, the applicable time is 10 days</p>	
8	<p>Destruction of Animal A humane society may destroy an animal if it has not been claimed by its owner and in the opinion of the humane society or peace officer, the animal is not suitable to be sold or given away</p>	
10 (1)	<p>Inspection re Standards A peace officer may, <u>without a warrant</u>, during ordinary business hours, enter any premises <u>other than a private dwelling house</u>, where animals are kept for sale, hire or exhibition, or any vehicle used to transport animals, in order to inspect for standards</p>	
SECTION	PROVISIONS	EXEMPTIONS
11	<p>Prohibition Against Obstruction No person shall in any manner hinder or obstruct a peace officer in the performance of the peace officer's duties</p>	
12	<p>Offence A person who contravenes this Act or the Regulations is guilty of an offence and liable to a fine of up to \$20,000.00; the Court may restrain the owner from having custody of an animal for a period of time</p>	

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13 (1)	Order of Custody A peace officer may apply to the Court of Queen's Bench for an order granting to the peace officer custody of an animal if the owner has been charged under section 12; the peace officer or humane society may retain custody of the animal even if the owner has paid all expenses and even if the owner wants the animal back; the Court may make any order that it considers appropriate	
14	Protection from Action No action lies against a peace officer , veterinarian, caretaker, humane society, or any citizen reporting suspected distress, for anything done in good faith, on reasonable or probable grounds	
15	Regulations The Minister may make regulations re how animals are taken into custody, the care of animals, approving organizations as humane societies	