

BYLAW 2008 - 12

**OF THE MUNICIPAL DISTRICT OF OPPORTUNITY NO. 17
In the Province of Alberta**

Being a bylaw of the Municipal District of Opportunity No. 17, to provide for the licensing, restraining and regulating the running at large of dogs in the Municipal District.

WHEREAS, pursuant to Part 2, Division 1, Section 7 of the Municipal Government Act, Chapter M-26, R.S.A. 2000, and amendments thereto, empowers a council to pass bylaws for municipal purposes respecting licensing, restraining and regulating the running at large of dogs and activities in relation to them;

AND WHEREAS it is desirable to license, restrain and regulate the running at large of dogs in the Municipal District of Opportunity No. 17;

NOW THEREFORE, the Council for the Municipal District of Opportunity, duly assembled, enact as follows:

Part I; Definitions

Purpose

This bylaw may be cited as the "Animal Control Bylaw".

Interpretation

In this bylaw, unless the context otherwise requires:

1. "Council" means the Council of the Municipal District of Opportunity No. 17
2. "Manager" means a person appointed by the M.D. to a position as the Chief Administrative Officer (C.A.O.) under Part 6 Section 205(4) of the Municipal Government Act.
3. "M.D." means the Municipal District of Opportunity.
4. "Dog" means either a male or female dog actually or apparently over the age of six (6) months.
5. "Enforcement Officer" means the person or firm appointed by the M.D. to enforce the provisions of this Bylaw, the Shelter Officer, Animal Control Officer, a Special Constable or a Peace Officer.
6. "Kennel" means any one location, shelter, room, dwelling or place where three or more dogs are harbored at any time, except for premises used for the care and treatment of dogs operated by a qualified veterinarian or an M.D. Pound;
7. "Shelter Officer" means the person or firm appointed by the M.D. to maintain, manage and control the shelter and shall also include such assistant or assistants as may be engaged by the M.D.
8. "Owner" means the person who has legal title to a dog and includes also any person who has possession or custody of a dog, or harbors a dog, or suffers a dog to remain on his premises.
9. "Running at Large" means a dog which is off the premises of the owner and is not on a leash or under the immediate, continuous and effective control of its owner or some competent person.
10. "Restricted Dog" means a dog of any age which can be identified as a dog exclusively or partially of one or more of the following breeds or kinds by Veterinarian registered as a member of the Alberta Veterinary Medical Association pursuant to the Veterinary Surgeons Act, R.S.A., 1980, c. V-3 Namely:
 - a) Pit Bull Terrier
 - b) American Pit Bull terrier
 - c) Pit Bull
 - d) Any Breed of Canidae Cross-bred with a Pit Bull
11. "Vicious Dog" means a dog of any age, including a Restricted Dog which:

- a) shows a propensity, disposition or potential to attack or injure, without provocation, humans or other animals; or
- b) without provocation, chases humans or other animals; or is a continuing threat of serious harm to humans or other animals

Part II- Licensing and Registration

1. No person shall keep a dog in the M.D. unless it has been licensed.
2. The keeping of dogs in numbers greater than two (2) shall be considered operating a Kennel.
3. No person or persons shall keep or harbor more than two (2) dogs aged six (6) months or more at one time in any house, shelter, room or place within the M.D.
4. The owner of every dog, over the age of (6) months, within one month of the time he or she becomes the owner, must obtain a license from the M.D. and at that time leave with the M.D. owner name and mailing address, telephone number and the description of the dog including: sex, age, breed and any other relevant information that may be requested.
5. Any dog, at the request of the owner, may be destroyed by the M.D. subject to a fee and approval by the Enforcement Officer.
6. Licensing issued under this bylaw is not transferable from one dog to another.
7. The owner of the dog that has been duly licensed under the Bylaw may obtain a license tag to replace a tag that has been lost.
8. License provision of this bylaw shall not apply to person temporarily in the Municipal District for a period not exceeding (14) fourteen days.
9. The M.D. shall keep a book or database which records the:
 - a) owner(s) name, address, phone number
 - b) the breed, color and sex of each licensed dog
 - c) together with date of registration
10. A tag will be given when licensing the dog. The owner shall ensure that the license tag is securely fastened to a collar or choke chain, which must be worn by the dog at all times the dog is off the premises of the owner.
11. No charge will be made for the initial registration or for the issue of animal dog tags.
12. Every license shall expire when the dog
 - a) dies, or
 - b) leaves the M.D. or
 - c) changes ownership

Part III- Responsibilities of Owner

1. No owner shall allow any dog to be at large and when any dog is found to be at large, its owner shall be deemed to have failed to comply with this section.
2. The owner of a female dog must keep it housed and confined in a building or kennel during the entire period the said dog is "in heat". The female dog may be allowed outside any such building or kennel for the sole purpose of eliminating on the owners' property.
3.
 - a) If a dog defecates on any public or private property other than the property of its owner, the owner shall cause such defecation to be removed immediately.
 - b) If a dog defecates on its owner's property to the extent that excessive smell results, the owner shall immediately remove the defecation on notice of an Enforcement Officer or Health Authority having jurisdiction.
4. No person shall permit his or her dog to bark or howl excessively or in any other manner disturb the peace, quiet or repose of a person; and when a dog barks, howls or in any other manner disturbs the quiet of a person, the owner shall be deemed to have failed or refused to comply with this section. After the 3rd offence if the dog is still

barking, howling or creating a disturbance, the dog may be ordered removed from the M.D. area upon written order from the Enforcement Officer.

5. No owner shall permit his or her dog to damage public or private property and when a dog damages public or private property, its owner shall be deemed to have failed, or refused to comply with this section.
6. No dog shall be permitted to be a public nuisance by:
 - a) Biting, attempting to bite or chasing people;
 - b) Barking or chasing bicycles and automobiles (including A.T.V.'s or Snowmobiles);
 - c) Causing any harm or damage to any other dogs or domestic animal.
7. A dog shall be deemed to be a dangerous dog by the RCMP, or a Bylaw or Enforcement Officer, or the Manager if the said dog has bitten or attempted to bite a person (RSA 2000 Dangerous Dog Act; Chapter D-3).
8. Every dangerous dog must be:
 - a) Confined indoors; or
 - b) Muzzled, leashed and under the effective control of a person over the age of 18 years.
 - c) Confined in a properly signed, secure and locked yard or enclosed sufficiently to keep the dog in said yard or enclosure and sufficient to deter children from climbing over or under it to gain access.
9. The owner of any dog that bites a person shall promptly report the incident to an Enforcement Officer, or the M.D. Office and the dog may thereupon be quarantined at the discretion of the Enforcement Officer and, shall not be released from such quarantine except by written permission of the Medical Officer of Health for the Municipality. At the discretion of the Enforcement Officer, such quarantine may be on the premises of the owner or at the M.D. Pound. In the case of stray dogs whose ownership is not known, such quarantine shall be at the M.D. Pound.
10. No person shall negligently or willfully open any gate, door or other opening in a fence or enclosure in which a dog or has been confined; or otherwise obstruct any dog, confinement, thereby allowing the dog run at large within the M.D.
11. No person shall tease, torment, annoy, harm or willfully neglect any dog.

Part IV- Impoundment and Disposition

1. The Enforcement Officer may seize and capture any dog found running at large and impound the said dog in the M.D. pound.
2. To assist in the capture of dogs running at large the Enforcement Officer may utilize traps. These traps shall be used in a humane manner.
3.
 - a) A dog impounded under Parts 3 or 4 shall be kept in the pound for a period of at least seventy-two (72) hours. Saturdays, Sundays, and statutory holidays and the day of impoundment shall not be included in the computation of the 72 (seventy-two) hour period. During this period, any healthy dog may be redeemed by its owner, or agent of the owner, upon paying the M.D. the appropriate fine where applicable and pound fees as described in "Schedule A" for impoundment.
 - b) At the expiration of the seventy-two (72) hour period, any unlicensed dog not claimed may be destroyed or adopted to a person other than the owner, provided that such a person be responsible for licensing the dog and payments listed in Schedule "A".
 - c) The owner of the dog which has been impounded and carries a current license tag, shall be notified, where possible, of the impoundment and such licensed impounded may be redeemed in accordance with subsection (a), except that the period of impoundment shall be seventy-two (72) hours.
 - d) If in the opinion of the Enforcement Officer the dog appears to be a purebred animal or it bears an obvious identification device, tattoo, brand, mark, tag or license, the applicable time limit is 10 days after the date on which the dog was delivered.



4. In enforcement of the jurisdiction provided in Part 1, but not for the purpose of investigation only, the Enforcement Officer is hereby authorized to enter any privately owned premises at any reasonable time, provided however that in this section the word, "premises" does not include a building used as a dwelling house.
5. No person shall remove or attempt to remove any dog from the possession of the Shelter Officer or any of their assistants until such time as any penalties and costs have been satisfied.
6. The Enforcement Officer shall:
 - a) make provision for an adequate animal shelter and provide adequate care, food and water for any dog so impounded,
 - b) keep record of all dogs impounded and of their disposal,
 - c) receive a surrendered dog for immediate disposal at the M.D. s' discretion,
 - d) make a monthly report to the M.D. of impoundments,
 - e) be empowered to destroy a dog, or direct a dog to be destroyed
7. No person whether or not he/she is the owner of a dog which is being or has been pursued or captured shall:
 - a) Interfere with or attempt to obstruct an Enforcement Officer who is attempting to capture or who has captured any dog in accordance with the provisions of this bylaw.
 - b) Induce any dog to enter a house or other place where it may be safe from capture or otherwise assist the dog to escape capture.
 - c) Falsely represent him or herself as being in charge or control of a dog so as to establish that the dog is not running at large as the term is defined in this Bylaw.
 - d) Unlock or unlatch or otherwise open the van or vehicle in which dogs captured for impoundment have been placed so as to allow or attempt to allow a dog or dogs to escape.
 - e) 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.
8. Any owner who contravenes any provisions of this bylaw or allows his or her dog to act in a manner so as to make it subject to impoundment under the provision of this bylaw is guilty of an offense and liable to fines as attached in Schedule "A".

Part V- Communicable Diseases

1. On official report of an outbreak, or a threatened outbreak of rabies, or any disease affecting dogs that may be transmitted to human beings. Council may by resolution, in order and direct that all dogs be confined entirely to the owner's premises.
2. When a dog under quarantine has been diagnosed as rabid, or suspected by a licensed veterinarian as being rabid, and dies while under such observation, an Enforcement Officer shall immediately send the head of the dog to the appropriate health department for pathological examination and shall notify the Medical Officer of Health of reports of human contacts and the diagnosis made of the suspected dog.
3. During such a period of rabies, quarantined 10 (ten) days, as herein mentioned, every dog bitten by a dog adjudged to be rabid, shall be forthwith destroyed, or at the owner's expense and option, shall be treated for rabies infection by a licensed veterinarian or held under quarantine by the owner in the same manner as other dogs are quarantined.
4. Except as herein provided, no person shall kill, or cause to be killed, any rabid dog, any dog suspected of having been exposed to rabies or any dog that bites another dog, nor remove the same from the M.D. limits without written permission from an Enforcement Officer.
5. The carcass of any dead dog exposed to rabies shall, upon demand, be surrendered to the Enforcement Officer.



6. The Enforcement Officer shall direct the disposition of any dog found to be infected with rabies.

Part VI- Restricted or Vicious Dogs

1. An Owner of a Restricted or Vicious Dog shall maintain in force a policy of liability insurance in a form satisfactory to the Manager of the Municipal District of Opportunity No. 17 providing third party liability coverage in a minimum of Five Hundred Thousand Dollars (\$500,000.00) for injuries caused by the Owner's Restricted Dog or Vicious Dog.
2. The liability policy shall contain a provision requiring the insurer to immediately notify the municipality in writing should the policy expire or be cancelled or terminated.
3. The Owner of a Restricted or a Vicious Dog shall take all the necessary steps to ensure that it does not bite, chase, or attack any human or other animal whether the person or animal is on the property of the Owner or not.
4. If a Restricted or Vicious Dog bites or attacks a person or animal, the Owner shall be guilty of an offence and subject liable to a fine under this amendment, exclusive of any other civil actions or penalties.
5. When a Restricted or Vicious Dog is on the premises of its Owner, it shall be kept confined indoors under the effective control of a person over the age of eighteen (18) years, or confined in a securely enclosed and locked pen, or other structure constructed and secured in such a fashion as to prevent the escape of the Restricted Dog or Vicious Dog, and to prevent the entry of persons unauthorized by the Owner.
6. Any such pen shall have a secure top and sides and either:
 - a) Have a secure bottom effectively attached to the sides; or
 - b) The sides shall be embedded in the ground to a minimum depth of thirty (30) centimeters.
7. When a Restricted or Vicious Dog is off the premises of the Owner, it shall be securely muzzled, and shall be either harnessed or leashed securely to effectively prevent it from attaching or biting a human or other animal; provided that this requirement shall not apply when the Restricted Dog or Vicious Dog is in a building or enclosure in attendance at a bona fide dog show, or confined in a pen.
8. If the Shelter Officer, Police Constable, Manager of the municipality or an Enforcement Officer determines on reasonable grounds that a dog is a Vicious Dog, either through personal observation or on the basis of facts determined after an investigation initiated by a complaint, he may:
 - a) Have the Enforcement Officer issue the Owner a written notice that the dog has been determined to be a Vicious Dog; and
 - b) Require the Owner to keep such dog in accordance with the provisions defined in this bylaw; and
 - c) Inform the Owner that if the Vicious Dog is not kept in accordance with this bylaw, the Owner will be fined, or subject to enforcement action.
9. Where the Owner of a dog that has been determined to be a Vicious Dog produces information to the Manager of the Municipal District of Opportunity No. 17 that may alter a determination made. The Manager shall, as soon as is reasonably possible, cause the matter to be reviewed and make a final determination.
10. In addition to the remedies set forth in this amendment, if the Manager of the Municipal District of Opportunity No. 17, Enforcement Officer or Police Constable determines that a Vicious Dog or a Restricted Dog is not being kept in accordance with this Amendment, he or she may:
 - a) make application pursuant to Section 7(h) of the Municipal Government Act, R.S.A. 2000, c. M-26, as amended, for an order directing that such dog be controlled in accordance with this Amendment, or be removed from the municipality.

Part VII: Penalties and Enforcement

1. a) Where an Enforcement Officer believes that a person has contravened any provision of this bylaw he may serve upon such person a Bylaw ticket as provided by this section:
 - (i) Personally or by leaving it for him at his usual place of abode with an inmate thereof who appeared to be at least (eighteen) 18 years of age.
 - (ii) If mailed by double registered post to the last known address of the accused person.
 - (iii) A notice of form commonly called a Bylaw ticket, having approved printed wording shall state the section of the Bylaw that was contravened and the amount which is provided in Schedule "A" of this bylaw will be accepted by the M.D. in lieu of prosecution.
- b) Upon production of a ticket issued, pursuant to this section, with (thirty) 30 consecutive days from the date of issue, together with the payment to the M.D. administration office of the fee as provided in Schedule "A", the person to whom the tag was issued shall not be liable for prosecution for the contravention in respect of which the tag was issued.
- c) Notwithstanding the provisions of this section, a person to whom a ticket has been issued pursuant to this section may exercise his right to defend any charge committing a contravention of any provisions to this bylaw.
2. If the notice or form prescribed in section 1(a) hereof is disregarded and the amount specified therein is not paid in accordance with the terms of the said information field, a summons may be issued, and a prosecution conducted for the alleged violation.
3. Any person or owner who commits a breach of any of the provisions of this bylaw shall be liable upon summary conviction by any court of competent jurisdiction to a fine not less than twenty-five dollars (\$25.00) or more than two thousand five hundred dollars (\$2,500.00) as described in Schedule "A".
4. A Provincial Court Judge, in addition to the penalties provided in the section, may if he considers the offense sufficiently serious direct or order the person that owns, keeps, maintains, or harbors a dog to prevent such dog from doing mischief or causing the disturbance or nuisance complained of or to have the dog removed from the M.D., or to have the dog destroyed.
6. The Council for the Municipal District of Opportunity No. 17 may from time to time amend the fines by Council resolution.

This Bylaw hereby rescinds Bylaw 2005 - 05 and all previous Animal or Dog Control Bylaws.

This Bylaw shall come into force and effect upon final passing.

Read a first time this 25 day of June, 2008

Read a second time this 25 day June, 2008.

Read a third and final time this 25 day June, 2008.


 REEVE


 MANAGER

SCHEDULE "A"

FINES FOR OFFENCES

OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD SUBSEQUENT
Failure to register (Part II; 1)	\$25.00	\$50.00	\$100.00
Allowing a dog to run at large (Part III; 1, Part IV; 1)	\$25.00	\$50.00	\$100.00
Harboring an Unregistered dog (Part II; 3, Part VII; 4))	\$25.00	\$50.00	\$100.00
Dogs Disturbing the peace of other persons (Part III; 4)	\$25.00	\$50.00	\$100.00
Female dog in heat, not confined (Part III; 2)	\$25.00	\$50.00	\$100.00
Diseased dogs not confined (Part V; 1-3)	\$25.00	\$50.00	\$100.00
Dogs being a public nuisance (Part III; 5, 6)	\$25.00	\$50.00	\$100.00
Negligence of distressed dogs (Part III; 11)	\$25.00	\$50.00	\$100.00
Operation of Kennel (Part II, 2)	\$25.00	\$50.00	\$100.00
Interfere with Enforcement Officer (Part III; 10, Part IV; 5, 7)	\$100.00	\$250.00	\$500.00

FINES FOR OFFENCES

OFFENCE

Failure to maintain in force a policy of Liability Insurance (Part VI; 1, 2)	\$1500.00
Failure to confine a Restricted Dog or a Vicious Dog when on the premises of the Owner (Part VI; 3, 5)	\$500.00
Failure to muzzle or otherwise secure a Registered Dog or a Vicious Dog when off the premises of the Owner (Part III; 8b, Part VI; 7)	\$500.00
If a Restricted Dog or a Vicious Dog bites or attacks a person animal, causing injury, the Owner shall be subject to a fine (Part VI, 4)	\$1500.00
Failure to obtain and keep in force a Restricted Dog or Vicious Dog License (Part II, Part VI)	\$500.00

POUND FEES

Dogs: \$20.00 per day or any part thereof.

