

**BYLAW NO. 6/97**


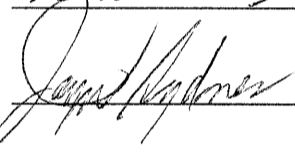
A Bylaw of the Municipal District of Peace No.135, in the Province of Alberta, to provide for the control and licensing of dogs and for the control and management of wild or domestic animals within the corporate limits of the Hamlet of Brownvale.

**Whereas** the Council deems it expedient to pass a bylaw for the purpose of licensing, regulating and controlling animals within the limits of the Hamlet of Brownvale,


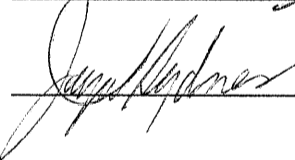
**And Whereas** pursuant to Part 2, Section 7 of the Municipal Government Act, Chapter M-26.1 and amendments thereto, the Council of the Municipal District of Peace No.135, in the Province of Alberta, duly assembled, enacts as follows:

1. This bylaw shall be cited as the "Municipal District of Peace No.135 Hamlet of Brownvale Animal Control Bylaw" as per Schedule "A" attached and forming part of this Bylaw.
2. Effective upon the date of third and final reading of this Bylaw, Bylaw No. 664, 671, 675 and 825 are rescinded.

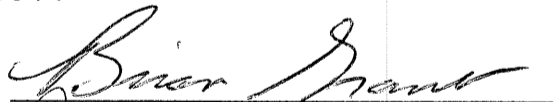
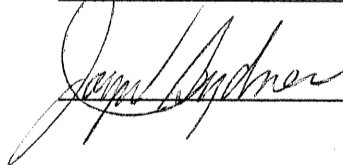
Read a first time this 12th day of August, A.D.1997.

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

Read a second time this 9th day of September, A.D. 1997.

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

Read a third and final time and finally passed this 9th day of September, A.D.1997.

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

**BYLAW NO. 6/97**  
**SCHEDULE "A"**  
**ANIMAL CONTROL BYLAW**

---

Wherever in this bylaw the following terms are used, unless the context requires otherwise, they shall have the meanings ascribed to them in this section:

- 1.0 This bylaw may be cited as the Municipal District of Peace No.135 Hamlet of Brownvale Animal Control Bylaw.
- 2.0 "Hamlet" shall mean the Hamlet of Brownvale in the Municipal District of Peace No.135.
- 3.0 Municipal Council or Council shall mean the Council for the Municipal District of Peace No.135, in the Province of Alberta.
- 4.0 "License" shall mean a tag, permission to act, or a tax.
- 5.0 "Dog" shall mean either a male or female dog over the age of six weeks.
- 6.0 "Cat" shall mean either a male or female cat over the age of six weeks.
- 7.0 "Owner" means the person who has legal ownership of the dog, cat or any other domestic or wild animal and also any person who has possession, custody, harbours or suffers the said animal to remain on his/her property.
- 8.0 "Running at Large" with reference to a dog, means a dog which is off the premises of its owner and is not on a leash or in immediate continuous control of some competent person.
- 9.0 "Bylaw Enforcement Officer", "Animal Control Officer" or "Pound Keeper" means any person, firm or corporation appointed by Council to carry out the provisions of this bylaw.
- 10.0 "Pound" means a place designated by Council as a place where dogs, cats and other domestic or wild animals may be impounded.
- 11.0 "Holiday" shall mean Saturday, Sunday and any other day declared to be a holiday by Federal, Provincial or Municipal Statute.
- 12.0 "Abandoned Cat" shall mean a cat which does not have an owner.
- 13.0 "License Fee" shall mean a fee or tax to be paid by persons owning, possessing or harbouring dogs and such fees may vary between the different classifications of dogs.

PAGE 3  
BYLAW NO. 6/97  
SCHEDULE "A"  
ANIMAL CONTROL BYLAW

---

PART II

- 1.0 Every person in the Municipal District of Peace No.135, who is the owner of a dog or dogs, within the Hamlet of Brownvale limits shall annually on or before the 1st day of January in each calendar year cause the dog or dogs to be registered, numbered, described and licensed at the office of the Municipal District of Peace No.135.
- 1.1 All dogs shall be required to wear a collar around its neck to which collar shall be attached a Municipal District of Peace No.135 dog tag having raised, cast or stamped number indicating the year for which the license was issued.
- 1.2 The Municipal District of Peace No.135 office shall keep a Dog Tag Record registry book stating therein the date of licensing, name of owner, tag number, name of dog, sex of dog, description of dog, and the amount paid for the licensing.
- 2.0 the license fee to be paid by the dog owner shall be set as follows:
- 2.1 Each neutered male dog - \$10.00 with veterinarian certificate.
- 2.2 Each spayed female dog - \$10.00 with veterinarian certificate.
- 2.3 Each un-neutered male dog - \$15.00
- 2.4 Each unspayed female dog - \$15.00
- 2.5 Persons who, through lack of eyesight, require the assistance of a "seeing eye" dog shall, upon application, be issued an annual license for such dog at no charge.
- 2.6 When a license tag is lost, a new tag will be issued for \$1.00
- Specified penalty for a dog without a license - \$50.00
- 2.7 When a person, who is the owner of a dog, or dogs, obtains a Municipal District of Peace No.135 dog tag, and fails to attach it around the dog's neck, as specified in Part II, Section 1.1
- Specified penalty for a dog without a tag affixed to collar - \$25.00
- 2.8 The licensing provisions of this bylaw shall not apply to dogs accompanying a person temporarily in the Hamlet of Brownvale for a period not exceeding 120 hours, or such longer period as may be authorized by written permission of the Bylaw Enforcement Officer or the Administrator of the Municipal District of Peace No.135.

**PAGE 4**  
**BYLAW NO. 6/97**  
**SCHEDULE "A"**  
**ANIMAL CONTROL BYLAW**

---

3.0 The control of dogs and operation of dog kennels shall conform with the following terms, conditions and provisions of this bylaw.

3.1 The keeping of dogs in the Hamlet of Brownvale in numbers greater than three in any dwelling, shelter, room or place shall be considered as operating a kennel and shall not be permitted on residential property unless the said kennel be located not less than 100 feet from any other person's property.

3.2 If written complaints are received by the Administrator of the Municipal District of Peace No.135 and/or damage is proven as a result of the said kennel, Council may direct that the person operating said kennel to move the kennel or cease to operate same.

3.3 The operation of a kennel as specified in Section 3.1 or 3.2 above or in contravention of Council's direction shall be in violation of the provisions of this bylaw.

Specified penalty kennel violation - \$100.00

4.0 Every person who is the owner of or the harbourer of any dog which shall run at or attack any person peacefully travelling on a public street or place in the shall be deemed to be guilty of an infraction of this bylaw and, upon hearing of any complaint under this section, the Magistrate Judge, or Justice of the Peace may, in addition to any other penalty if such dogs shall have done damage or damages, order the owner or harbourer of said dog to pay such damages as the complainant may have sustained and may order the owner or harbourer of said dog to confine or muzzle such dog for such period as he may determine or may order the owner or harbourer of the said dog to forthwith deliver such dog to the pound keeper who shall forthwith destroy said dog.

4.1 No person shall keep, maintain or harbour a dog which habitually barks, howls or otherwise creates a disturbance. Complaints must be in writing, addressed to the Administrator of the Municipal District of Peace No.135 specifying date, time and place of occurrence. The complainant must agree to provide evidence in Court in the event that the dog owner pleads not guilty and the case is heard before a Magistrate, Judge or Justice of the Peace.

Specified Penalty - Creating a disturbance

- a) first offence in a calendar year - a letter sent to the dog owner, citing the complainant and requesting that the activity cease
- b) second offence in a calendar year - \$25
- c) third offence in a calendar year - \$50

PAGE 5  
BYLAW NO. 6/97  
SCHEDULE "A"  
ANIMAL CONTROL BYLAW

---

- 5.0 The following terms, conditions and provisions shall apply for a dog or other wild or domestic animal running at large.
- 5.1 No person who is the owner of any dog shall permit or otherwise allow to run at large within the corporate limits of the Hamlet of Brownvale.
- Specified penalty: \$100.00
- 6.0 The following provisions, terms and conditions shall apply for the impoundment of dogs and/or wild or domestic animals specified in this bylaw.
- 6.1 The Council of the Municipal District of Peace No.135 shall provide for a pound for the purposes of impounding dogs and/or other wild or domestic animals specified in this bylaw.
- 6.2 Council shall appoint one or more Bylaw Enforcement Officers, as authorized under the provisions of Bylaw 6/97 as they shall deem necessary for the carrying out of the provisions of this bylaw.
- 6.3 Any dog found running at large contrary to the provisions of this bylaw, any statute of Canada or the Province of Alberta, or of any regulations made thereunder, may be captured and impounded by the Bylaw Enforcement Officer under the provisions of Bylaw 6/97. Said capture may be effected by using a tranquillizer gun.
- 6.4 Any duly authorized person using a tranquillizer gun pursuant to the provisions of this section, shall not be held liable for injury or death of any animals so tranquillized. The Bylaw Enforcement Officer and one other person shall always be present for public safety and for verifying the dosage when the tranquillizer gun is used.
- 6.5 Any dog, licensed or not, found running at large contrary to the provisions of this bylaw or any Statute of Canada or the Province of Alberta or of any regulations made thereunder may be captured by the Bylaw Enforcement Officer, or agents, assistants or employees or any authorized officer of the Municipality and any dog so captured shall be transported and confined in the pound provided; such dog shall be kept there confined, subject to the owner or possessor's right to redeem same within 48 hours from the time of their capture. Said dog shall not be released from said pound unless the owner or possessor can present to the satisfaction of the pound keeper that he has paid all fines and pound fees and that a current license has been obtained with respect to such dog or dogs.

PAGE 6  
BYLAW NO. 6/97  
SCHEDULE "A"  
ANIMAL CONTROL BYLAW

---

- 6.6 Any dog or animal impounded under the provisions of this bylaw, and not claimed by the owner, or possessor within a period of 48 hours from the time of its impounding, may be destroyed by using a humane method of destruction.
- 7.0 For the purpose of controlling cats, the following provisions, terms and conditions shall apply:
- 7.1 The pound keeper or any person(s) or company as authorized or appointed by the Council may capture a cat or cats using any humane method and shall deliver said cat or cats to the pound where said animal shall be held for a period of 48 hours and if not claimed within the aforementioned period, may be destroyed by using a humane method of destruction.
- 7.2 No person shall keep cats in numbers greater than three on any residential, commercial or industrial property within the Hamlet of Brownvale.
- Specified penalty - \$50.00 plus cats in numbers greater than three shall be impounded and destroyed.
- 8.0 For the purpose of controlling wild and other domestic animals identified in this bylaw, the following provisions, terms and conditions shall apply:
- 8.1 No person shall keep or cause or suffer to be kept any bovine, equine, porcine or ruminant animal within the limits of the Hamlet of Brownvale unless the property on which said animals are to be kept exceeds one acre in size and the keeping of said animals has been approved in writing by the Council.
- 8.2 No person shall keep, cause or suffer to be kept, save as hereinafter specified, any chicken, turkey, goose, guinea fowl, poultry or bees of any kind, within the limits of the Hamlet of Brownvale, unless such birds, poultry or bees are part of a hobby or commercial undertaking which is established with the written approval of Council.
- 8.3 The keeping of pigeons, snakes, rabbits and rodent animals in the Hamlet of Brownvale is not permitted in numbers greater than three on residential, commercial or industrial property, excepting where a commercial property selling said animal has been approved under this or other bylaws. Pens are to be kept in a clean and sanitary condition. In the event that damage is proven to have occurred to another's property by pigeons, snakes, rabbits or rodents, then Council may direct said owner to destroy or restrain the pigeons, snakes, rabbits or rodents.

**PAGE 7**  
**BYLAW NO. 6/97**  
**SCHEDULE "A"**  
**ANIMAL CONTROL BYLAW**

---

8.4 No person who is the owner or who has possession or custody of any animal as described in Sections 8.1, 8.2, or 8.3 shall permit or otherwise allow such animal to run at large within the corporate limits of the Hamlet of Brownvale.

Animals in the Hamlet of Brownvale for parades or exhibitions under the direct care and supervision of competent persons are not subject to the provisions of this bylaw, for that time period in which these events are held.

a) Any Bylaw Enforcement Officer may capture any animals described in Section 8.1, 8.2 and 8.3 which are running at large and give the owner a Violation Ticket providing for a specified penalty, as follows:

Specified penalty in any calendar year:

- a) First Offence - \$25.00
- b) Second Offence - \$50.00
- c) Third and Subsequent Offenses - \$75.00

9.0 The following provisions, terms and conditions shall apply for the setting of the rates, fees and charges to be applied when a dog, cat or any other wild or domestic animal which has been impounded is claimed by the owner or any other person having said right under the provisions of this bylaw.

9.1 The impoundment rates, fees and charges shall be determined as follows and these shall be paid in full before any animal or fowl is released from the pound.

- a) a license fee if applicable
- b) the impoundment fee of \$15.00 for the first day or part thereof of impoundment plus \$15.00 for the second day or part thereof of impoundment.
- c) all fines as specified in this bylaw.

9.2 Nothing within this section shall restrict the person's right to plead not guilty and have the case heard before a Magistrate, Judge or Justice of the Peace.

9.3 Any person guilty of a violation of provisions of this bylaw where a fine is not paid shall be liable on conviction before a Magistrate, Judge or Justice of the Peace is liable to a fine of not less than \$200.00 and not more than \$2,000.00 or to imprisonment for a term of no less than 5 days and not more than 6 months.

10.0 The authority of the Bylaw Enforcement Officer or any other person or company appointed or designated by Council shall apply as follows for the purpose of enforcing the provisions of this bylaw.

10.1 Any Bylaw Enforcement Officer may follow a dog, cat or other wild/domestic animal home and give the owner a violation ticket therein providing for a penalty.

**PAGE 8**  
**BYLAW NO. 6/97**  
**SECEДУLE "A"**  
**ANIMAL CONTROL BYLAW**

---

10.2 Any person who shall hinder, delay or obstruct any person or persons engaged in the impounding or the impoundment of any dog, cat or other wild/domestic animal that is to be impounded under the provisions of this Bylaw shall for each and every hindrance, delay or obstruction on conviction, be subject to the following specified penalty:

Specified penalty - \$250.00

10.3 A form commonly called a Violation Ticket being Form No.J2375 may be issued to any person charged with a breach of any provisions of this bylaw and said Violation Ticket shall require the payment of the sum shown to:

Municipal District of Peace No.135  
Box 34  
BERWYN, AB T0H 0E0

10.4 Nothing within this Section shall restrict the person's right to plead not guilty and have the case heard before a Magistrate, Judge, or Justice of the Peace.

10.5 A Violation Ticket shall be deemed to be sufficiently served:

- a) if served personally upon the owner of the animal; or to the person who has possession or custody of the animal concerned at the time that the violation occurred, or
- b) if mailed by registered mail to the address of the person named by the legal owner of the animal concerned at the time that the violation occurred.