

**BYLAW NO. 4/2018
BEING A BYLAW OF THE MUNICIPAL DISTRICT OF PEACE NO. 135
IN THE PROVINCE OF ALBERTA**

FOR THE PURPOSE OF REGULATING AND CONTROLLING DOGS AND OTHER ANIMALS WITHIN THE HAMLET OF BROWVALE

WHEREAS, the Council of the Municipal District of Peace No. 135 deems it necessary to provide for the regulation, licensing and control of dogs and other animals within the Hamlet of Brownvale and to promote responsible pet ownership;

AND WHEREAS, Section 7 and 8 of the Municipal Government Act, RSA 2000 Ch. M-26, Province of Alberta, gives the Council the authority to pass such a bylaw;

NOW THEREFORE, the Council of the Municipal District of Peace No. 135, in the Province of Alberta, duly assembled, enacts as follows:

PART I - TITLE AND DEFINITIONS

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

In this Bylaw, unless the context otherwise requires:

- 2.1. "Animal" means all species of fauna excluding humans;
- 2.2. "Animal License" means an identification tag, issued after paying a licensing fee, by the Municipal District of Peace No. 135 showing the license number for a specific dog intended to be worn on a collar attached to the dog's neck;
- 2.3. "At Large" means an animal that is located at any place other than the premises of its owner, is not being carried by any person, or is not otherwise restrained by a person controlling the animal by means of a securely fastened leash;
- 2.4. "Bylaw Enforcement Officer" means a person appointed by the Council of the Municipal District of Peace No. 135 to enforce the provisions of this Bylaw;
- 2.5. "Dangerous Dog" means any dog that has been declared by the Bylaw Enforcement Officer to be dangerous pursuant to this Bylaw;
- 2.6. "Impound" means to lodge an animal at a designated Pound;
- 2.7. "Leash" means a chain or other material capable of restraining the animal on which it is being used which must not exceed two (2) metres in length;
- 2.8. "Livestock" means those animals which have been domesticated for, and are normally associated with, agriculture or ranching, including but not limited to horses, cattle, chickens, sheep, swine, goats and mules but excludes cats and dogs;
- 2.9. "MD" means the Municipal District of Peace No. 135;
- 2.10. "Muzzle" means a device used to cover or restrain the mouth of an animal, of sufficient strength to prevent the animal from biting;
- 2.11. "Owner" means:
 - 2.11.1. a person who has the care, charge, custody, possession or control of an animal, or permits an animal to be present on any property owned, occupied or leased by him;
 - 2.11.2. a person who owns or claims a proprietary interest in an animal;

- 2.11.3. a person who claims and receives an animal from the custody of the animal pound; or
- 2.11.4. the person to whom a license has been issued under this Bylaw;
- 2.12. "Person" means an individual human and includes a partnership or corporation;
- 2.13. "Possession" means:
 - 2.13.1. exercising physical or effective control of an animal;
 - 2.13.2. having been given physical or effective control of an animal by its owner for the purpose of controlling the animal for a specific period of time;
 - 2.13.3. where one or more persons with the knowledge and consent of the others, has physical or effective control of an animal, it may be deemed to be in the control of each and all of them;
- 2.14. "Pound" means the premises designated by the MD for the purpose of impounding and caring for animals and includes premises supplied by an independent contractor under contract with the Municipality to provide such premises regulated under this Bylaw;
- 2.15. "Serious Wound" means an injury to a human or animal resulting from the action of an animal which causes the skin to be broken or flesh to be torn;
- 2.16. "MD of Peace Violation Ticket" means a municipal notice issued by the MD pursuant to the authority of Section 7 of the *Municipal Government Act* for the purpose of providing a person with an opportunity to acknowledge the contravention of a Bylaw and to pay a penalty directly to the MD, in order to avoid prosecution for the contravention;
- 2.17. "Violation Ticket" means a ticket issued under Part 2 or Part 3 of the *Provincial Offences Procedure Act*, R.S.A. 2000, c.P-34 as amended or repealed and replaced from time to time.

PART II - AUTHORITY OF A BYLAW ENFORCEMENT OFFICER

- 3. No person shall interfere with, hinder or impede a Bylaw Enforcement Officer in the performance of any duty authorized by this Bylaw, and any person who does so is guilty of an offense.

PART III - LICENSING

- 4. No person shall own, keep or harbor any dog within the Hamlet of Brownvale unless such dog is licensed. Licenses are not required for dogs or any other animals outside the boundaries of the Hamlet.
- 5. Every person residing within the jurisdiction of the Hamlet of Brownvale who is the owner of a dog over the age of three (3) months shall obtain, on an annual basis, a license for that dog by:
 - 5.1. paying the license fee, as set out in Schedule "A".
- 6. Upon receipt of the license fee and the completed application form, the application may be approved and the owner will be provided with a dog tag having a unique number pursuant to this Bylaw, and
 - 6.1. an owner shall ensure that the dog tag is securely fastened to a collar or harness worn by the animal and that the dog tag is worn by the animal at all times while it is off the premises of the owner.

7. No person is entitled to a refund, rebate, or prorating for any license fee.
8. Every license shall expire on December 31st in the year in which it was issued.
9. Licenses issued under this Bylaw shall not be transferable from one dog to another or from one owner to another.
10. An owner of a dog that has been duly licensed under this Bylaw may obtain a replacement dog tag for one that has been lost or damaged, upon payment of the replacement fee set out in Schedule "A" of this Bylaw.
11. Dog owners shall provide the MD with the following information with each application for a license:
 - 11.1. name, street address and phone number of owner;
 - 11.2. name and description of dog to be licensed;
12. An owner shall forthwith provide the MD with any changes to the information submitted with the original application.
13. No more than three (3) dogs shall be harboured or permitted to remain upon any land, in any house, room, building, or premises within the Hamlet of Brownvale unless:
 - 13.1. the premises are lawfully used for the care and treatment of animals, operated by and under the charge of a licensed veterinarian;
 - 13.2. the premises are temporarily being used for the purposes of a dog show;
 - 13.3. the premises are lawfully used for the provision of training or obedience classes, but only during the training or obedience classes and for a period of one (1) hour after the conclusion of those classes.
14. Notwithstanding S.13, a person may harbor more than three (3) dogs where those dogs in excess of the maximum are under three (3) months of age, and are the progeny of a licensed dog resident in the same premises.
15. Notwithstanding S.13, the licensing provisions of this Bylaw shall not apply to animals accompanying a person temporarily in the Hamlet for a period not exceeding fourteen (14) days.
16. An applicant is responsible for and not excused for ascertaining and complying with the requirements of any Federal, Provincial or other municipal legislation, including the Municipality's Land Use Bylaw. Where keeping dogs would not comply with any Federal, Provincial or other municipal legislation, the MD and/or the Bylaw Enforcement Officer may refuse to issue a license.

PART IV - DANGEROUS DOGS

Declaring a Dangerous Dog

17. A Bylaw Enforcement Officer may declare a dog dangerous if the officer has reasonable grounds to believe that, either through recorded personal observation or on the basis of facts determined after an investigation of a complaint, the dog has:
 - 17.1. a known propensity, tendency or disposition to attack, chase or bite without provocation other animals or humans,

- 17.2. killed or seriously wounded another animal,
 - 17.3. created the reasonable perception of a threat to a human or any other animal; or
 - 17.4. been the subject of an order or direction of a Justice, pursuant to the *Dangerous Dogs Act*.
18. Where a Bylaw Enforcement Officer has deemed a dog to be dangerous, the officer shall:
- 18.1. provide the owner with a written notice of the Bylaw Enforcement Officer's decision, setting out:
 - 18.1.1. the basis upon which the decision was made;
 - 18.1.2. the obligations for control and restraint of a dangerous dog provided under this Bylaw;
 - 18.1.3. deadlines in which obligations must be met;
 - 18.1.4. the consequences for failing to comply with the dangerous dog provisions of the Bylaw;
 - 18.1.5. advise that the owner may, within fourteen (14) days of the date of the notice, request in writing a review of the decision of the Bylaw Enforcement Officer.
 - 18.2. The written notice may be mailed to the dog's owner and if sent by regular mail, the notice shall be deemed to have been received seven (7) days after the date of mailing.
19. A request for Council's review of the Bylaw Enforcement Officer's decision shall:
- 19.1. be made in writing;
 - 19.2. set out the grounds on which the owner is requesting the review;
 - 19.3. be filed with the MD no later than fourteen (14) days from the postage date stamped on the notice declaring the dog to be dangerous.
20. Council may conduct its review of the Bylaw Enforcement Officer's decision through written material provided by the officer and the owner. Nothing in this Bylaw entitles an owner to an oral hearing.

Keeping Dangerous Dogs

21. The owner of a dangerous dog shall take all necessary steps to ensure that the dangerous dog does not:
 - 21.1. kill any other animal;
 - 21.2. bite, chase or attack any other animal or human; or
 - 21.3. create the reasonable perception of a threat to any other animal or human.
22. When on the premises of its owner, a dangerous dog shall:
 - 22.1. be confined indoors; or

- 22.2. be, if outdoors:
- 22.2.1. restrained by a leash and controlled by a person of age 18 years or older; or
 - 22.2.2. confined within a securely enclosed and locked pen or other structure, constructed and secured in such a fashion as to prevent the escape of the dangerous dog, and to prevent entry into the pen or access to the dangerous dog by children or other persons not authorized by the owner to have access.
- 22.3. A securely, enclosed, locked pen or other structure as described in S.22.2.2. shall, at a minimum:
- 22.3.1. have a secure bottom permanently attached to its sides, or be constructed with its sides embedded into the ground to a minimum of thirty (30) centimeters;
 - 22.3.2. be constructed with a dimension of 6'x 8' walls that are 6' in height, and roof covering;
 - 22.3.3. be maintained in a clean and sanitary manner.
- 22.4. The owner of a dangerous dog shall post signs warning any person that there is a dangerous dog on the premises at all gated entrances to the property where a dangerous dog is kept.
- 22.5. When a dangerous dog is off the premises of the owner, it shall at all times wear a secure muzzle and be constrained by a harness or collar connected to a leash and securely under the control of a person of at least 18 years of age.

PART V - GENERAL OFFENCES

23. The owner of an animal that is at large is guilty of an offence.
24. If an animal defecates on any public or private property other than the property of its owner, the owner shall remove feces immediately and dispose them in a sanitary manner; otherwise the owner is guilty of an offence.
25. An owner of an animal that allows any defecated matter to remain on his property or to accumulate to such an extent as to, in the opinion of the Bylaw Enforcement Officer, constitute a nuisance by way of odour, unsightliness or detrimental impact on the use, enjoyment or value of adjacent property, is guilty of an offence.
26. An owner whose dog barks or howls excessively, thereby unreasonably disturbing the quiet or repose of any person, is guilty of an offence.
27. The Municipality may post signs in areas where dogs are not permitted, and an owner whose dogs are in an area where sign prohibits the presence of dogs, is guilty of an offence regardless of whether or not such dog is at large.
28. The owner of an animal that damages public or private property is guilty of an offence.
29. The owner of an animal is guilty of an offence if that animal:
- 29.1. bites, chases or attacks any other animal or human;
 - 29.2. kills any other animal;

29.3. chases a motor vehicle; or

29.4. creates the reasonable perception of a threat to any other animal or human.

Negligence & Abuse

30. No person shall negligently or willfully open any gate, door or other opening in a fence, enclosure or otherwise to release an animal which has been confined, thereby allowing said animal to run at large in the Hamlet of Brownvale.

31. No person shall untie, loosen or otherwise free an animal which is not in distress unless such person has the authorization of the owner.

32. No person shall tease, torment, abuse or injure or neglect any animal.

PART VI - LIVESTOCK

33. No person shall keep livestock within the Hamlet of Brownvale except where permitted under the Municipal District of Peace No. 135 Land Use Bylaw.

PART VII - IMPOUNDMENT AND DISPOSITION SEIZURE

34. A Bylaw Enforcement Officer may seize and capture, using such reasonable measures necessary, including the use of tranquilizer equipment and materials, any animal found running at large and impound said animal(s) in the pound.

35. The owner of any animal that has caused a serious wound or that the owner has reason to suspect may have been exposed to rabies, shall, in addition to any other duty imposed under the *Provincial Health Act*, RSA 2000, c.P-37, and the Regulations thereunder, as amended or repealed and replaced from time to time, immediately inform the Bylaw Enforcement Officer:

35.1. of the infliction of the serious wounds or the suspicion of exposure to rabies;

35.2. of the name and contact information for the person, or owner of the animal having received the serious wound; and

35.3. whether the matter has been reported to the local community health center, Public Health Inspector or the Medical Officer of Health.

36. A Bylaw Enforcement Officer who has reasonable grounds to believe that an animal found at large may have, or have been exposed to, rabies may confine that animal at the animal shelter, veterinary clinic or any other location as directed by the Medical Officer of Health, or a Public Health Inspector.

37. A Bylaw Enforcement Officer who has reasonable grounds to believe that an animal within the Municipal District has, or has been exposed to, rabies, shall report the matter to the Medical Officer of Health or a Public Health Inspector as soon as reasonably possible.

38. A Bylaw Enforcement Officer may enter onto lands surrounding any premises in pursuit of an animal while that animal is at large.

39. To assist in the seizure or capture of an animal running at large or loose, an authorized Bylaw Enforcement Officer may utilize live traps. Said traps shall be used in a humane manner.

40. Where an impounded animal bears obvious identification tattoos, brands, marks, tags or licenses, the Bylaw Enforcement Officer shall make all reasonable efforts to contact the owner of the animal.
 41. An animal impounded under Section 34 shall be kept in the pound for a period of seventy two (72) hours. During this period, any healthy animal may be redeemed by its owner or agent of the owner, upon payment of:
 - 41.1. the appropriate fee and penalties specified in Schedule "A" and Schedule "B" when a dog is found at large not currently in possession of a license issued pursuant to this Bylaw;
 - 41.2. the boarding fee specified in Schedule "A";
 - 41.3. any associated medical costs that may have been required.
- However, if no license is issued to the dog, or the conditions of the license have not been met, the Bylaw Enforcement Officer is not obliged to release the dog to the owner.
42. Animals that are held at the pound for longer than seventy two (72) hours become the property of the MD and available for adoption, by a person other than the owner, upon payment of all fees and penalties.
 - 42.1. Any person who adopts an animal shall obtain full rights and title of the dog, cat or animal and the right and title of the former owner shall cease forthwith.
 43. Any animal not claimed within seventy two (72) hours may be humanely euthanized or adopted to a person other than the owner.
 44. A Bylaw Enforcement Officer shall seek veterinary treatment of any animal, in order to relieve pain or bleeding if that animal is found to have been injured or is injured during the process of capture.
 45. If, in the opinion of a licensed veterinarian, an animal impounded pursuant to the Bylaw, because of injuries sustained or its medical health, should be euthanized for humane reasons, a Bylaw Enforcement Officer may authorize that veterinarian to euthanize the animal.
 - 45.1. No action shall be taken against any person, including a Bylaw Enforcement Officer, employee, agent or volunteer of the pound and the MD acting under the authority of this Bylaw, for damages as a result of the capture, destruction or other disposal of any animal.

PART VIII - PENALTIES AND ENFORCEMENT

46. Any person who violates a provision of this Bylaw is guilty of an offence, and liable, on summary conviction, to the specified penalties set out in Schedule "B" of this Bylaw.

MD of Peace Violation Ticket

47. A Bylaw Enforcement Officer is hereby authorized and empowered to issue a violation ticket to any person whom the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
48. A violation ticket may be issued to such person:
 - 48.1. personally;

- 48.2. by registered mail to the person at his or her last known post office address; or
- 48.3. by leaving it with a person apparently over eighteen (18) years of age at the place of residency of the person to whom the violation ticket is addressed.
49. The violation ticket issued pursuant to this Bylaw shall be in a form approved by Council and shall state:
- 49.1. the name of the owner to whom the violation ticket is issued;
- 49.2. the section number of the Bylaw provision breached and a brief description of the offence;
- 49.3. the appropriate specified penalty for the offence as set out at Schedule "B" of this Bylaw;
- 49.4. that the penalty shall be paid within thirty (30) days of the issuance of the violation ticket; and
50. Where a violation ticket is issued pursuant to this Bylaw, the person to whom the violation ticket is issued may, in lieu of being prosecuted for the offence, pay to the MD office the penalty specified on the violation ticket.

Violation Ticket - Part 2 of the Provincial Offences Procedure Act

51. In those cases where an MD of Peace Violation Ticket has been issued and if the penalty specified on an MD of Peace Violation Ticket has not been paid within the prescribed time, then a Bylaw Enforcement Officer is hereby authorized and empowered to issue a violation ticket pursuant to Part 2 of the *Provincial Offences Procedure Act*, Chapter P-34, RSA 2000, as amended.
52. Notwithstanding Section 50 of this Bylaw, a Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a violation ticket pursuant to Part 2 of the *Provincial Offences Procedure Act*, Chapter P-34, RSA 2000, as amended, to any person who the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

PART IX - EFFECTIVE DATE AND REPEAL

53. Should any provision of this Bylaw be deemed invalid, then the invalid provision shall be severed and the remaining Bylaw shall be maintained.
54. Bylaw No. 6/97 is hereby repealed upon the third and final reading of this Bylaw.
55. This Bylaw shall come into force and effect upon the third and final reading.

Read a first time this 27 day of March, 2018.




Robert Willing, Reeve



Barbara Johnson, Chief Administrative Officer

Read a second time this 27 day of March, 2018.




Robert Willing, Reeve

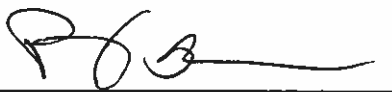


Barbara Johnson, Chief Administrative Officer

Read a third time and finally passed this 27 day of March, 2018.



Robert Willing, Reeve



Barbara Johnson, Chief Administrative Officer

**MUNICIPAL DISTRICT OF PEACE NO. 135
BYLAW NO. 4/2018
SCHEDULE "A"**

FEES

Section 5.1.	Yearly Dog Tag (Neutered Male/Spayed Female)	\$10.00
	Yearly Dog Tag (Un-neutered Male/Unspayed Female)	\$20.00
	Yearly Dog Tag (Seeing Eye/Work Dog)	Free
Section 10.	Replacement Tags	\$10.00
Section 40.2.	Impound/Boarding Fees	As Incurred
Section 40.3.	Medical Fees	As Incurred

**MUNICIPAL DISTRICT OF PEACE NO. 135
BYLAW NO. 4/2018
SCHEDULE "B"**

SPECIFIED PENALTIES

PART 1 - AUTHORITY OF BYLAW ENFORCEMENT OFFICER

Section 3. Interfere with, impede or hinder a Bylaw Enforcement Officer \$ 500.00

PART II - LICENSING

Section 5. Failure to obtain valid dog license \$ 50.00

Section 6.1. Failure to ensure license tag is worn by dog \$ 75.00

Section 13. Keep more than the maximum number of dogs allowed \$ 200.00

PART IV - DANGEROUS DOGS

Section 21.1. Dangerous dog kills another animal \$1,000.00

Section 21.2. Dangerous dog bites/chases/attacks person or animal \$ 750.00

Section 21.3. Dangerous dog threatens person or animal \$ 500.00

Section 22. Failure to confine dangerous dog when on the owner's premises \$ 300.00

Section 22.2.1. Failure to restrain by leash and control by person 18 or older \$ 300.00

Section 22.2.2. Failure to confine within securely enclosed locked pen/structure \$ 300.00

Section 22.4. Failure to attach appropriate signage \$ 300.00

Section 22.5. Failure to muzzle or otherwise secure dangerous dog when off the premises of the owner \$ 300.00

PART V - GENERAL OFFENCES

Section 23. Allow animal to run at large:

First Offence \$ 100.00

Second Offence within 1 Calendar Year \$ 200.00

Third Offence within 1 Calendar Year \$ 400.00

Fourth & Subsequent Offence within 1 Calendar Year \$ 500.00

Section 24. Failure to Immediately Remove Animal Defecation from Public/Private Property \$ 50.00

Section 25. Failure to Keep Residence/Grounds Clean/Sanitary/Inoffensive

First Offence Within 1 Calendar Year \$ 100.00

Second Offence Within 1 Calendar Year \$ 150.00

Third Offence Within 1 Calendar Year \$ 300.00

Fourth & Subsequent Offence within 1 Calendar Year \$ 500.00

Section 26. Allow animal to bark/howl excessively or otherwise disturb quiet

First Offence Within 1 Calendar Year \$ 100.00

Second Offence Within 1 Calendar Year \$ 150.00

Third Offence Within 1 Calendar Year \$ 300.00

Fourth & Subsequent Offence within 1 Calendar Year \$ 500.00

Section 27. Owner of a Dog Which is Present in an Area Where the Presence of Dogs is Prohibited by Signage \$ 30.00

Section 28. Allow Animal to Damage Public/Private Property

First Offence Within 1 Calendar Year \$ 100.00

Second Offence Within 1 Calendar Year \$ 150.00

Third Offence Within 1 Calendar Year \$ 300.00

Fourth & Subsequent Offence within 1 Calendar Year \$ 500.00

Section 29.1. Allow Animal to Chase/Bite/Attack/Threaten Person or Other Animal \$ 50.00

Section 29.2. Allow Animal to Kill Another Animal \$ 75.00

Section 29.3. Allow Animal to Chase Motor Vehicle \$ 100.00

Section 30. Release of an Enclosed Animal, Thereby Allowing Animal to Run at Large \$ 50.00

Section 31. Release of a Restrained Animal, Thereby Allowing Animal to Run at Large \$ 50.00

Section 32. Tease, Torment, Annoy, Abuse, Neglect any Animal \$ 400.00

PART VI - LIVESTOCK

Section 33. Keep Livestock in Hamlet of Brownvale Boundaries \$ 100.00

**MUNICIPAL DISTRICT OF PEACE NO. 135
 BYLAW NO. 4/2018
 SCHEDULE "C"**



DOG TAG APPLICATION FORM

OWNER INFORMATION

Name: _____ Phone Number: _____

Street Address: _____

Mailing Address: _____

DOG INFORMATION

Name: _____ Male/Female _____

Tattoo Code: _____ Chip: Y / N _____

Spayed/Neutered: _____

Description:
 (Age, Colouring, Hair Length, Breed, Distinguishing Markings, other tags)

OFFICE Tag No.:	Year:	Impounded (date):	Receipt No.:
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

The personal information that you provide to the MD of Peace is collected under the authority of the Freedom of Information and Protection of Privacy (FOIP) Act - Section 33(c). The information will be used for the purpose of contacting pet owners as required. Collected personal information is protected from unauthorized access, collection, use, and disclosure in accordance with the FOIP Act and can be reviewed upon request subject to the provisions under the Act. Questions regarding the collection of personal information on this form can be directed to the CAO at 780-338-3845.