

**BYLAW NO. 12/2023**  
**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 MUNICIPAL DISTRICT OF PEACE NO. 135.

**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 WHEREAS**, the Council of the Municipal District of Peace No. 135 deems it necessary to provide for the control of dogs outside the borders of the Hamlet of Brownvale.

**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**

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

**PART II: DEFINITIONS**

2. Words in this Bylaw have the same meaning as those set out in the *Municipal Government Act* except for the definitions provided here.
  - 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 "Dangerous Dog" means any dog that has been declared by the Bylaw Enforcement Officer to be dangerous pursuant to this Bylaw;
  - 2.5 "Enforcement Officer" means a Bylaw Enforcement Officer employed by the Municipal District of Peace No. 135 in accordance with the *Municipal Government Act* and includes a member of the Royal Canadian Mounted Police (R.C.M.P), a Conservation Officer appointed under the *Government Organization Act*, RSA 2000 Chapter G-10, or a Community Enforcement Officer appointed by the Solicitor General of Alberta in accordance with the *Peace Officers Act*, RSA 2006, c P-3.5.
  - 2.6 "Impound" means to lodge an animal at a designated Pound;

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- 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 the *Provincial Offences Procedure Act*, R.S.A. 2000, c.P-34 as amended or repealed and replaced from time to time.

**PART III: AUTHORITY OF AN ENFORCEMENT OFFICER**

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

**PART IV: 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 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.
7. 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.
8. No person is entitled to a refund, rebate, or prorating for any license fee.
9. Every license shall expire on December 31st in the year in which it was issued.
10. Licenses issued under this Bylaw shall not be transferable from one dog to another or from one owner to another.
11. 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.
12. Dog owners shall provide the MD with the following information with each application for a license:
  - 12.1 name, street address and phone number of owner;
  - 12.2 name and description of dog to be licensed;
13. An owner shall forthwith provide the MD with any changes to the information submitted with the original application.
14. 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:
  - 14.1 the premises are lawfully used for the care and treatment of animals, operated by and

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- under the charge of a licensed veterinarian;
- 14.2 the premises are temporarily being used for the purposes of a dog show;
- 14.3 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.
- 15 Notwithstanding section 14, 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.
- 16 Notwithstanding section 4, 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.
- 17 An applicant is responsible for and not excused from 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**

- 18 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:
- 18.1 a known propensity, tendency or disposition to attack, chase or bite without provocation other animals or humans,
- 18.2 killed or seriously wounded another animal,
- 18.3 created the reasonable perception of a threat to a human or any other animal; or
- 18.4 been the subject of an order or direction of a Justice, pursuant to the *Dangerous Dogs Act*.
- 19 Where a Bylaw Enforcement Officer has deemed a dog to be dangerous, the officer shall:
- 19.1 provide the owner with a written notice of the Bylaw Enforcement Officer's decision, setting out:
- 19.1.1 the basis upon which the decision was made;
- 19.1.2 the obligations for control and restraint of a dangerous dog provided under this Bylaw;
- 19.1.3 deadlines in which obligations must be met;
- 19.1.4 the consequences for failing to comply with the dangerous dog

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- provisions of the Bylaw;
- 19.1.5 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.
- 19.2 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.
- 20 A request for Council's review of the Bylaw Enforcement Officer's decision shall:
- 20.1 be made in writing;
- 20.2 set out the grounds on which the owner is requesting the review;
- 20.3 be filed with the MD no later than fourteen (21) days from the postage date stamped on the notice declaring the dog to be dangerous.
- 21 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.
- 22 The owner of a dangerous dog shall take all necessary steps to ensure that the dangerous dog does not:
- 22.1 kill any other animal;
- 22.2 bite, chase or attack any other animal or human; or
- 22.3 create the reasonable perception of a threat to any other animal or human.
- 23 When on the premises of its owner, a dangerous dog shall:
- 23.1 be confined indoors; or
- 23.2 be, if outdoors:
- 23.2.1 restrained by a leash and controlled by a person that is 18 years or older; or
- 23.2.2 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.
- 23.2.3 a securely, enclosed, locked pen or other structure as described in S 23.2.2 shall, at a minimum:
- 23.2.3.1 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;
- 23.2.3.2 be constructed with a dimension of 6' x 8' walls that are 6' in

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height, and roof covering;

23.2.3.3 be maintained in a clean and sanitary manner.

23.3 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.

23.4 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**

24. The owner of an animal that is at large anywhere within the MD is guilty of an offence.
25. If an animal defecates on any public or private property other than the property of its owner, the owner shall remove the feces immediately and dispose of it in a sanitary manner; otherwise the owner is guilty of an offence.
26. 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 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.
27. An owner whose dog barks or howls excessively, thereby unreasonably disturbing the quiet or repose of any person, is guilty of an offence.
28. 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.
29. The owner of an animal that damages public or private property anywhere within the MD is guilty of an offence.
30. The owner of an animal is guilty of an offence if that animal:
- 30.1 bites, chases or attacks any other animal or human; anywhere within the MD;
  - 30.2 kills any other animal anywhere within the MD;
  - 30.3 chases a motor vehicle anywhere within the MD;
  - 30.4 creates the reasonable perception of a threat to any other animal or human anywhere within the MD.

**NEGLIGENCE & ABUSE**

- 31 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

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animal to run at large in the Hamlet of Brownvale or anywhere within the MD.

- 32 No person shall untie, loosen or otherwise free an animal which is not in distress unless such person has the authorization of the owner.
- 33 No person shall tease, torment, abuse or injure or neglect an animal anywhere within the MD.

**PART VI - LIVESTOCK**

- 34 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**

- 35 An 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.
- 36 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:
- 36.1 of the infliction of the serious wounds or the suspicion of exposure to rabies;
- 36.2 of the name and contact information for the person, or owner of the animal having received the serious wound; and
- 36.3 whether the matter has been reported to the local community health center, Public Health Inspector or the Medical Officer of Health.
- 37 An 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.
- 38 An 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.
- 39 An Enforcement Officer may enter onto lands surrounding any premises in pursuit of an animal while that animal is at large.
- 40 To assist in the seizure or capture of an animal running at large or loose, an authorized Enforcement Officer may utilize live traps. Said traps shall be used in a humane manner.
- 41 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

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owner of the animal.

- 42 An animal impounded under Section 35 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:
- 42.1 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;
  - 42.2 the boarding fee specified in Schedule "A";
  - 42.3 any associated medical costs that may have been required.
- 43 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.
- 44 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.
- 44.1 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.
- 45 Any animal not claimed within seventy-two (72) hours may be humanely euthanized or adopted to a person other than the owner.
- 46 An 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.
- 47 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.
- 47.1 No action shall be taken against any person, including an 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**

- 48 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**

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- 49 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.
- 50 A violation ticket may be issued to such person:
- 50.1 personally;
  - 50.2 by registered mail to the person at his or her last known post office address; or
  - 50.3 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.
- 51 The violation ticket issued pursuant to this Bylaw shall be in a form approved by Council and shall state:
- 51.1 the name of the owner to whom the violation ticket is issued;
  - 51.2 the section number of the Bylaw provision breached and a brief description of the offence;
  - 51.3 the appropriate specified penalty for the offence as set out at Schedule "B" of this Bylaw;
  - 51.4 that the penalty shall be paid within thirty (30) days of the issuance of the violation ticket; and
- 52 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**

- 53 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.
- 54 Notwithstanding Section 53 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**

- 55 Should any provision of this Bylaw be deemed invalid, then the invalid provision shall be severed and the remaining Bylaw shall be maintained.

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- 56 Bylaw No. 4/2018 is hereby repealed upon the third and final reading of this Bylaw.
- 57 This Bylaw shall come into force and effect upon the third and final reading.

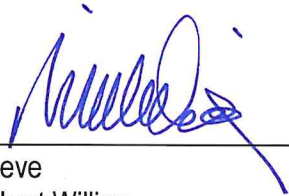
READ a first time on this 23<sup>rd</sup> day of May, 2023.


READ a second time on this 23<sup>rd</sup> day of May, 2023.

Given UNANIMOUS consent to go to third reading on this 23<sup>rd</sup> day of May, 2023.

READ a third and final time on this 23<sup>rd</sup> day of May, 2023.

Signed this 23<sup>rd</sup> day of May, 2023

  
\_\_\_\_\_  
Reeve  
Robert Willing

  
\_\_\_\_\_  
Chief Administrative Officer  
Margaret McClarty

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SCHEDULE "A"  
FEES

Section	Description	Amount
5.1	Yearly Dog Tag: Neutered/Spayed	\$ 10
5.1	Yearly Dog Tag: Un-Neutered/Spayed	20
10	Replacement Tags	10
40.2	Impound/Boarding Fees	Actual
40.3	Medical Fees	Actual

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**SCHEDULE "B"**  
**SPECIFIED PENALTIES**

Section	Description of Offence	First Offence	Second Offence	Third Offence*
<b>General Offences</b>				
3	Interfere with, hinder or impede a Bylaw Enforcement Officer in the performance of any duty authorized by this Bylaw.	\$ 350	\$ 400	\$ 500
4	Failure to obtain a valid dog license.	\$ 75	\$ 100	\$ 125
7	Failure to ensure license tag is worn by dog.	\$ 25	\$ 50	\$ 75
14	Keep more than maximum number of dogs allowed.	\$ 75	\$ 100	\$ 125
24	Allow Animal to run at large.	\$ 100	\$ 200	\$ 400
25	Failure to immediately remove animal defecation from premises that do not belong to the owner.	\$ 50	\$ 100	\$ 250
26	Failure to keep owner's premises clean, sanitary & unoffensive.	\$ 100	\$ 150	\$ 300
27	Allow animal to bark or howl excessively or otherwise disturb quiet.	\$ 100	\$ 150	\$ 300
28	Being the owner of a dog in a public location where dogs are not allowed.	\$ 30	\$ 50	\$ 75
29	Allow animal to damage property that does not belong to the owner.	\$ 100	\$ 150	\$ 300
30.1	Allow animal to bite/chase/attack or threaten a person or other animal.	\$ 750	\$ 1,000	\$ 1,200
30.2	Allow animal to kill another animal.	\$ 350	\$ 500	\$ 750
30.3	Allow animal to chase motor vehicle.	\$ 100	\$ 150	\$ 200
30.4	Allow animal to create the reasonable perception of a threat to any human or animal.	\$ 150	\$ 200	\$ 250
31	Release of a restrained animal, allowing animal to run at large.	\$ 50	\$ 75	\$ 100
33	Tease, torment, abuse, neglect any animal.	\$ 200	\$ 250	\$ 300
34	Keeping livestock within the Hamlet of Brownvale Boundaries.	\$ 100	\$ 150	\$ 200
<b>Offences Involving Dangerous Dogs</b>				
22.1	Dangerous dog kills another animal.	\$ 750	\$ 1,000	\$ 1,250
22.2	Dangerous dog bites/chases/attacks person or animal.	\$ 1,250	\$ 1,650	\$ 2,000
22.3	Dangerous dog threatens person or animal.	\$ 500	\$ 600	\$ 700
23	Failure to properly confine Dangerous dog on owners premises.	\$ 300	\$ 350	\$ 400
23.3	Failure to attach required Dangerous Dog signage.	\$ 300	\$ 350	\$ 400
23.4	Failure to restrain Dangerous Dog by leash and control by person 18 and older while off owners premises.	\$ 300	\$ 350	\$ 400
23.4	Failure to muzzle or otherwise secure Dangerous Dog while off owner's premises.	\$ 300	\$ 350	\$ 400

\*Third & subsequent offences.

\*\*All penalties are in addition to the actual cost incurred to remedy the damage caused by the offence (vet & repair bills).

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APPLICATION FOR DOG TAG  
SCHEDULE "C"



Municipal District of Peace No 135 Use ONLY			
Tag Number:			
Date Tag Issued:			
Renewed for Year			
OWNER INFORMATION			
Name:			
Phone Number:		Phone Number:	
Street Address:			
Mailing Address:			
DOG INFORMATION			
Name:			MALE FEMALE
Tattoo Code:		Spayed/Neutered: YES NO	Microchip: YES NO
Description: Age, Color, Hair Length, Markings, Other Tags, etc.			
Notes:			