

A BY-LAW OF MUNICIPAL DISTRICT OF FAIRVIEW NO 136, IN THE PROVINCE OF ALBERTA FOR THE LICENSING, REGULATING AND CONFINEMENT OF CERTAIN DOGS

WHEREAS, by virtue of the power conferred on it by the Municipal Government Act, S.A. 2000, M-26, as amended or repealed and replaced from time to time, the Council of the Municipal District of Fairview, in the Province of Alberta duly assembled, enacts as follows:

SECTION 1. - SHORT TITLE

1.1 This Bylaw may be cited as the "Dog Control By-law" of the Municipal District of Fairview.

SECTION 2. - DEFINITIONS

- 2.1 "Dog" means either the male or female of any domesticated canine species.
- 2.2 "Animal Fancier's License" in the case of a Hamlet means a license issued by the municipality to a person who is an Owner of three (3) or more Dogs; in the case of the any person not residing in a hamlet, means a license issued by the municipality to a person who is an Owner of seven (7) or more Dogs.
- 2.3 "Animal Shelter" means premises designated by the Municipality for the impoundment and care of Dogs and includes premises supplied by an independent contractor under contract with the Municipality to provide such premises.
- 2.4 "At Large" means a Dog that is at any place other than the property of its owner, where that Dog is not being carried by any person, or is not otherwise restrained by a Permitted Leash held by a person, where that leash is attached to a choke chain, collar, or harness properly secured to that Dog.
- 2.5 "Hamlet" means Hamlet of Bluesky or Hamlet of Whitelaw.
- 2.6 "License" means a Dog License or a Dog Fanciers Licenses issued by the Municipality in accordance with the provisions of this By-law.
- 2.7 "License Fee" means the applicable fee payable in respect of a License for any particular Dog as set out in Schedule "A" of this By-law.
- 2.8 "License Tag" means an identification tag issued by the Municipality showing the license number for a specific Dog.
- 2.9 "Municipality" means the Municipal District of Fairview.
- 2.10 "Owner" means:
  - (a) A person who has the care, charge, custody, possession or control of a Dog;
  - (b) A person who owns or who claims any proprietary interest in a Dog;

- (c) A person who harbors, suffers or permits a Dog to be present on any property owned, occupied or leased by him, or which is otherwise under his control;
- (d) A person who claims and receives a Dog from the custody of the Animal Shelter or an Animal Control Officer;
- (e) A person to whom a License Tag was issued for a Dog in accordance with this By-law;
- (f) For the purposes of this By-law a Dog may have more than one (1) owner.

2.11 "Permitted Leash" means a leash adequate to control the Dog to which it is attached, and which leash shall not exceed three (3) metres in length.

2.12 "Serious Wound" means an injury to a human or animal resulting from the action of a Dog which causes the skin to be broken or flesh to be torn.

2.13 "Violation Ticket" means a ticket issued pursuant to Part 2 of the Provincial Offences Procedures Act RSA 2000, C. P-34, as amended or repealed and replaced from time to time, and the Regulations there under.

### Section 3. - Licensing Provisions

#### 3.1

- (a) Every person who resides within the boundaries of a Hamlet, who is the owner of a Dog, shall possess a license issued by the Municipal District of Fairview for that Dog.
- (b) A license shall be valid from the date of its issue until January 1<sup>st</sup> of the year immediately following the year of its issue. Upon the expiry of the license on January 1<sup>st</sup>, a person to whom the license was issued shall have until January 31<sup>st</sup> to apply for a renewal of that license.
- (c) A license may be obtained by submission of an application, along with the appropriate fee as set out in Schedule A of this Bylaw to the Municipal District of Fairview office.
- (d) Every person residing within the boundaries of the Hamlet who becomes the owner of a Dog after the first day of January in any given year, or a person who takes up residence within the boundaries of the Hamlet and who is the owner of a Dog that is not licensed in accordance with the provisions of this Bylaw, shall apply for a license in the manner provided for this bylaw within seven (7) days of becoming the owner of that Dog or of the date upon which that person took up residence within the Hamlet.
- (e) Notwithstanding subsections (a) through (d) above, this section shall not apply to any Dog under three months of age.
- (f) No person is entitled to a refund or a rebate for any License Fee.

3.2 An Owner of a Dog which is unlicensed, and which is required to be licensed pursuant to this Bylaw is guilty of an offence.

3.3 (a) No more than two (2) Dogs shall be harbored, suffered, or permitted to remain upon or in any land, house shelter, room or place, building, structure or premises within the boundaries of the Hamlets unless:

- i. The Premises are lawfully used for the care and treatment of Dogs, operated by or under the charge of a licensed Veterinarian;
- ii. The premises are temporarily being used for the purpose of a dog show;
- iii. The owner is the holder of a valid Animal Fanciers License issued under this Bylaw along with a valid dog license for each dog that is owned.
- (c) Any person who keeps or harbors any number of Dogs in contravention of this section is guilty of an offence.
- (d) Section 3.3 shall not apply to the offspring of any Dog licensed pursuant to this bylaw until such offspring are three months of age.
- (e) An Animal Fancier's License issued pursuant to this Bylaw shall be applied for in the same manner, and valid for the same duration as a license issued through s. 3.1 of this bylaw
- (f) An Owner shall provide the following information with each application for an Animal Fancier's License:

- (1) description and breed of the Dog to be licensed
- (2) type of facility the Dog will be housed in
- (3) age of Dog at the time of application
- (4) Such further and other information as may be required as indicated on the application form for an Animal Fanciers License

3.4 (a) No more than six (6) Dogs shall be harbored, suffered, or permitted to remain upon or in any land, house shelter, room or place, building, structure or premises within the boundaries of the Municipality (excluding Hamlets) unless:

- i. The Premises are lawfully used for the care and treatment of Animals, operated by or under the charge of a licensed Veterinarian;
- ii. The premises are temporarily being used for the purpose of a dog show;
- iii. The premises is a legitimate animal boarding facility;
- iv. The owner is the holder of a valid Animal Fanciers License issued under this Bylaw and a valid dog license for every dog over the limit as stated in section 3.4 a).
- (b) Any person who keeps or harbors any number of Dogs in contravention of this section is guilty of an offence.
- (c) Section 3.31 shall not apply to the offspring of any Dog licensed pursuant to this bylaw until such offspring are three months of age.
- (d) An Animal Fancier's License issued pursuant to this Bylaw shall be applied for in the same manner, and valid for the same duration as a license issued through s. 3.1 of this bylaw

(e) An Owner shall provide the following information with each application for an Animal Fancier's License:

- (1) description and breed of the Dog to be licensed
  - (2) type of facility the Dog will be housed in
  - (3) age of Dog at the time of application
  - (4) Such further and other information as may be required as indicated on the application form for an Animal Fanciers License
- 3.5 A License issued under this By-law shall not be transferable from one Dog to another, nor from one Owner to another.
- 3.6 If the required License Fee is paid, the Owner will be supplied with a License Tag, which shall have a number, registered to that Dog and in subsequent years this tag may be reused by the owner upon payment of the required fee.
- 3.7 An Owner shall ensure that the License Tag is securely fastened to a choke chain, collar or harness worn by the Dog, with the License Tag to be worn by the Dog at all times when the Dog is on Property other than the Owner's Property.
- 3.8 An Owner of a Licensed Dog is guilty of an offence if that Dog is not wearing a License Tag while that Dog is on property other than the Owner's Property.

#### Section 4 - Dog control Provisions

- 4.1 An Owner who's Dog is At Large is guilty of an offence.
- 4.2 An Owner whose Dog barks or howls or makes another noise thereby disturbing the quiet or repose of any person is guilty of an offence.
- 4.3 The Municipality may post signs in areas where Dogs are not Permitted, and an Owner whose Dog is in an area where a sign prohibits the presence of Dogs, is guilty of an offence regardless of whether or not such Dog is at Large.
- 4.4 An Owner of a Dog is guilty of an Offence if such Dog:
- (a) Bites, attacks, threatens, harasses, chases, or injures a person;
  - (b) bites, attacks, threatens, harasses, chases, kills, or injures any Animal belonging to other persons; or
- 4.5 If a Dog defecates on property, which is not the Owner's Property, the Owner shall cause such defecation to be removed immediately and disposed of in a sanitary manner, and an Owner who fails to do so is guilty of an offence.
- 4.6 An Owner of a female Dog is guilty of an offence if the Owner is such female Dog does not keep it housed and confined in a building or kennel

during the entire period such female Dog is in heat except that the female Dog may be allowed outside any such building or kennel for a reasonable period for the sole purpose of defecation on the Owner's Property

- 4.7 No person shall tease, torment, annoy, abuse or injure any Dog, and any person who does so is guilty of an offence.
- 4.8 Any person that, without the authority of the Dog's owner, causes or permits a dog to be released from any manner of confinement on its owner's property so as to allow that dog to become at large, is guilty of an offence.
- 4.9 No person shall interfere with, hinder or impede a Animal Control Officer in the Performance of any duty authorized by this By-law, and any person who does so is guilty of an offence.

#### Section 5 - Powers of an Animal Control Officer

- 5.1 An Animal Control Officer is authorized to capture and impound in the Animal Shelter, any Dog that is At Large. The Animal Control Officer is further authorized to take such reasonable measures as are necessary to subdue any Dog, which is At Large, including the use of tranquilizer equipment and materials. If such Dog is injured it may be taken to a registered veterinarian for treatment and then to the Animal Shelter. The Animal Control Officer shall not be held liable for injury or death of a Dog that has been tranquilized.
- 5.2 The owner of any dog 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 an Animal Control Officer:
  - a) of the infliction of the Serious Wound or the suspicion of exposure to rabies;
  - b) of the name and contact information for the person, or owner of the Dog, having received the Serious Wound; and
  - c) whether the matter has been reported to the local community health center, Public Health Inspector or the Medical Officer of Health.
- 5.3 An Animal Control Officer that has reasonable grounds to believe that a Dog found At Large may have, or have been exposed to rabies may confine that dog at the animal shelter, veterinary clinic or any other location as directed by the Medical Officer of Health, or a Public Health Inspector.
- 5.4 An Animal Control Officer that has reasonable grounds to believe that a Dog 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.
- 5.5 An Impounded Dog may be kept in the Animal Shelter for a period of seventy-two (72) hours. Sundays and Statutory holidays shall not be included in the computation of the seventy-two (72) hour period. During this period, any Dog may be redeemed by its Owner, except as otherwise

provided by this By-law, upon payment to the Municipality or its authorized agent of:

- (a) The appropriate impoundment fee as set out in Schedule "A" of this By-law
- (b) The appropriate License Fee when the Dog is not licensed; and
- (c) The cost of any veterinary treatment to relieve pain or bleeding of an Dog that is found to be injured when picked up or injured in the process of capture.

However, if no license is issued for the Dog, or the conditions of the License have not been met, the Animal Control Officer is not obliged to release the Dog to the Owner.

5.6 At the expiration of the seventy-two (72) hour period as prescribed in section 5.7 of this By-law, the Animal Control Officer is authorized to:

- (a) Offer the Dog for sale or for gift;
- (b) Destroy the Dog in a humane manner;
- (c) Allow the Dog to be redeemed by its Owner in accordance with the provisions of Section 5.5, herein; or
- (d) Continue to impound the Dog for an indefinite period of time or for a further period of time as the Animal Control Officer, in his or her discretion, may decide.

#### Section 6. - Penalties

- 6.1 Any person who contravenes any provision of this By-law is guilty of an offence and is liable to a penalty as set out in Schedule "B" of this By-law.
- 6.2 (a) Notwithstanding s 7.1 of this By-law, where a person commits the same offence under this Bylaw a second time within one year of committing the first offence, a Animal Control Officer may seek an increased fine as set out in Schedule "B" of this Bylaw for second offences.  
(b) Where a person commits an offence for a third or more times within one year of committing the first offence, an Animal Control Officer may seek an increased fine for a third or subsequent offence as set out at the Schedule "B" of this Bylaw
- 6.3 Under no circumstance shall any person contravening any provision of this By-law be subject to the penalty of imprisonment.
- 6.4 Violation Tag and Ticket  
Where there has been a breach of this Bylaw, an Animal Control Officer is hereby authorized and empowered to issue a Violation Tag as described in the Municipal Government Act. If after five days after issuance the penalty has not been paid then the Animal Control Officer is empowered to issue a

Violation Ticket pursuant to Part 2 of the Provincial Offences Procedures Act RSA 2000, C. P-34, as amended or repealed and replaced from time to time, and the Regulations there under.

Section 7. - General

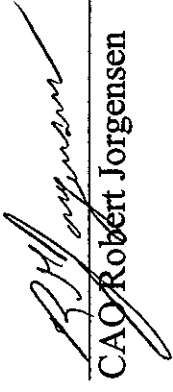
- 7.1 Should any provision of this By-law be invalid, then such invalid provision may be severed and the remaining shall be maintained.
- 7.2 An applicant is responsible for and is not excused for ascertaining and complying with the requirements of any Federal, Provincial or other municipal legislation, including the Municipality's Land Use Bylaw. Where the keeping of Dogs would not comply with any federal, Provincial or other Municipal legislation, the Animal Control Officer may refuse to issue a License

8. THIS BYLAW SHALL TAKE FORCE AND EFFECT UPON THE DATE OF ITS FINAL PASSAGE.

READ A THIRD TIME AND PASSED this 28<sup>th</sup> Day of June 2005



Reeve Walter Doll



CAO Robert Jorgensen

SCHEDULE "A"

1. License fee for each Dog:

- (a) January 1-January 31 in each year and new Dogs after September 1  
All Dogs \$10.00
  - (b) February 1- December 31 in each year  
All Dogs \$20.00
  - (c) For the year of this bylaw's inception  
All Dogs \$10.00
2. Dog Fanciers License (required if minimum dogs is exceeded) over and above dog license. \$200.00

3. Impound Fees

- first day: \$40.00
- second and subsequent days: \$10.00

## SCHEDULE "B"

## PENALTIES

Section Number	Offence	Penalties
3.2	Owner of an unlicensed Dog	\$30.00
3.3c	Owens more than 2 dogs in the case of a Hamlet	\$40.00 per dog
3.4b	Owner of more than 6 dogs in the case other than a Hamlet	\$40.00 per dog
4.1	Owner of a Dog at Large: (a) Unlicensed Dog (b) Licensed Dog	\$40.00 \$30.00
4.2	Owner of a Dog, which barks or howls or makes another noise thereby disturbing the quiet or reposed of any person	\$30.00
4.3	Owner of a Dog which is present in a area where the presence of Dogs is prohibited by sign	\$30.00
4.4(a)	Owner of an Dog which bites, attacks, Threatens, harassed, barks at, chases, or injures any persons.	\$200.00
4.4(b)	Owner of an Dog which bites, attacks, Threatens, harassed, barks at, chases, or injures any animals belonging to other persons.	\$200.00
4.5	Failure of Owner to remove defecation immediately from property which is not the Owner's property	\$30.00
4.7	Teasing, tormenting, annoying abusing Or injuring any Animal	\$50.00
4.8	Untying, loosening or otherwise freeing A Dog without the Owner's authorization	\$30.00
4.9	Interfering with, impeding or hindering an Animal Control Officer's enforcement of this By-law.	\$250.00
6.2a	Second offence within one year of the first offence. Double the amount of the specified penalty for a first offence	
6.2b	Third or subsequent offence within one year of the first offence. Triple the amount of the specified penalty for a first offence	