

Municipal District of Fairview No. 136

916/ANI/2014

A BYLAW OF THE MUNICIPAL DISTRICT OF FAIRVIEW NO. 136, IN THE PROVINCE OF ALBERTA, TO REGULATE AND CONTROL DOGS, CATS AND OTHER ANIMALS WITHIN THE HAMLET OF BLUESKY, THE HAMLET OF WHITELAW AND RURAL AREAS WITHIN THE MUNICIPAL DISTRICT OF FAIRVIEW NO. 136.

**WHEREAS**, the Council deems it necessary to regulate the running at large of dogs and cats, to provide for the licensing of dogs and cats, to provide for the confinements of certain animals within the Hamlets of Bluesky and Whitelaw, and to regulate and control animals within the Hamlets of Bluesky and Whitelaw and rural areas within the boundaries of the Municipal District of Fairview No. 136;

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

**NOW THEREFORE**, the Council of the Municipal District of Fairview No. 136 in the Province of Alberta duly assembled hereby enacts as follows:

**PART I – TITLE AND  
DEFINITIONS**

1. This bylaw may be cited as the “Animal Control Bylaw”
2. In this Bylaw, unless the context otherwise requires:
  - 2.1. “Animal” means all species of fauna excluding humans;
  - 2.2. “Animal Control Officer” means a person appointed by the Council of Municipal District of Fairview No. 136 to enforce the provisions of this bylaw;
  - 2.3. “Animal License” means an identification tag, issued after paying a licensing fee, by the Municipal District of Fairview No. 136 showing the license number for a specific dog or cat intended to be worn on a collar attached to the dog or cat’s neck.
  - 2.4. “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.

- 2.5. “Dangerous Dog” means any dog that has been declared by the Animal Control 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 Fairview No. 136;
- 2.10. “Muzzle” means human 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 dogs and cats 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 a Dog or Cat which causes the skin to be broken or flesh to be torn.
- 2.16. “Violation Tag” 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 AN ANIMAL CONTROL OFFICER**

- 3. No person shall interfere with, hinder or impede an Animal Control Officer in the performance of any duty authorized by this Bylaw, and any person who does so is guilty of an offense.
- 4. No more than six (6) Dogs and six (6) Cats shall be harboured, 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:
  - 4.1 The Premises are lawfully used for the care and treatment of Animals, operated by or under the charge of a licensed Veterinarian;
  - 4.2 The premises are temporarily being used for a dog or cat show;
  - 4.3 The premises is a legitimate animal boarding facility;

- 4.4 Any person who keeps or harbours any number of Dogs or Cats in contravention of this section is guilty of an offence.

### **PART III – LICENSING**

5. No Person shall own, keep or harbour any dog or cat within the Hamlet of Bluesky or Whitelaw limits unless such dog or cat is licensed. Licenses are not required for dogs, cats or any other animals outside the boundaries of the hamlets.
6. Every Person residing within the jurisdiction of the Hamlets of Bluesky or Whitelaw who is the Owner of a dog or cat over the age of three (3) months shall obtain, on an annual basis, a license for that dog or cat by:
- 6.1. paying the license fee, as set out in Schedule “A”;
7. Upon receipt of the license fee and the completed application form, the application may be approved and the Owner will be issued a license pursuant to this bylaw, and provided with a License Tag having a unique number.
- 7.1. An Owner shall ensure that the License Tag is securely fastened to a collar or harness worn by the Animal and that the License 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 31<sup>st</sup> in the year in which it was issued.
10. Licenses issued under this bylaw shall not be transferable from one dog or cat to another or from one Owner to another.
11. An Owner of a dog or cat that has been duly licensed under this Bylaw may obtain a replacement Licence 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 and cat 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 or cat 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 two (2) dogs and two (2) cats shall be harboured or permitted to remain upon any land, in any house, room or place, building, or premises within the Hamlet of Bluesky or Whitelaw unless:
  - 14.1. The premises are lawfully used for the care and treatment of Animals, operated by and under the charge of a licensed veterinarian;
  - 14.2. The premises are temporarily being used for the purposes of a dog or cat 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 S.14 a person may harbour more than two (2) dogs and two (2) cats, where those dogs or cats in excess of the maximum are under three (3) months of age, and are the progeny of a cat or licensed dog resident in the same premises.
16. Notwithstanding S.14 the licensing provisions of this bylaw shall not apply to Animals accompanying a person temporarily in the hamlets for a period not exceeding fourteen (14) days.

Section 13 and Section 14 supersedes Land Use Bylaw No. 876, Section 6.23 (1) until such time as Land Use Bylaw No. 876 is amended.

17. 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 or Cats would not comply with any Federal, Provincial or other Municipal legislation the MD and/or the Animal Control Officer may refuse to issue a License.

#### **PART IV – DANGEROUS DOGS**

##### **Declaring A Dangerous Dog**

18. An Animal Control 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 an Animal Control Officer has deemed a dog to be dangerous the officer shall:

19.1. Provide the Owner with a written notice of the Animal Control 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 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 Animal Control 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 Animal Control 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 (14) days from the postage date stamped on the notice declaring the dog to be dangerous.

21. Council may conduct its review of the Animal Control 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**

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 of age 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

23.3. A securely enclosed, locked pen or other structure as described in S.23.2.2. shall, at a minimum:

23.3.1. 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;

23.3.2. Be constructed with a dimension of 6'x8', walls that are 6' in height, and roof covering;

23.3.3. Be maintained in a clean and sanitary manner.

- 23.4. 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. .
- 23.5. 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**

24. The Owner of an Animal that is At-Large, is guilty of an offense.
25. 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.
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 Animal Control 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 or cat barks or howls excessively, thereby unreasonably disturbing the quiet or repose of any Person, is guilty of an offense.
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 is guilty of an offense.
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;
  - 30.2. Kills any other Animal;
  - 30.3. Chases a motor vehicle; or
  - 30.4. Creates the reasonable perception of a threat to any other Animal or human.



**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 Animal to run At-Large in the Hamlet of Bluesky or Whitelaw.
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 any Animal.

**PART VI – LIVESTOCK**

34. No Person shall keep Livestock within the Hamlet of Bluesky or Whitelaw boundaries except where permitted under the Municipal District of Fairview No. 136 Land Use Bylaw.

**PART VII – IMPOUNDMENT AND DISPOSITION SEIZURE**

35. An Animal Control Officer may seize and capture, using such reasonable measures necessary including the use of tranquilizer equipment & materials, any animal found running At Large and impound said Animal(s) in the Pound.
36. The owner of any dog or cat 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 Animal Control Officer:
  - 36.1. of the infliction of the Serious Wound or the suspicion of exposure to rabies;
  - 36.2. of the name and contact information for the person, or owner of the Dog or Cat, 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 Animal Control Officer has the reasonable grounds to believe that a Dog or Cat found At Large may have, or have been exposed to rabies may confine that dog or cat 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 Animal Control officer that has reasonable ground to believe that a Dog or a Cat 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 Animal Control 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 Animal Control 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 licences, the Animal Control Officer shall make all reasonable efforts to contact the Owner of the Animal.
42. An animal impounded under Section 35 shall be kept in the Pound for a period of seven (7) days. During this period, any healthy animal may be redeemed by its Owner, or agent of the Owner, upon payment of:
  - 42.1. The appropriate license fee specified in Schedule "A" when a cat or 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.However, if no license is issued to the Dog or Cat, or the conditions of the License have not been met, the Animal Control Officer is not obliged to release the Dog or Cat to the Owner.
43. Animals that are held at the Pound for longer than seven (7) days, become the property of the MD and if kept for less than twenty-one (21) days shall be available for adoption,
  - 43.1. 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.
44. On the 22nd day, any Animal not claimed may be humanely euthanized or adopted to a person other than the Owner.
45. An Animal Control 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.
46. 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, an Animal Control Officer may authorize that veterinarian to euthanize the Animal.

- 46.1. No action shall be taken against any person, including an Animal Control 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**

47. 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.

#### **Violation Tag**

48. An Animal Control Officer is hereby authorized and empowered to issue a Violation Tag to any Person whom the Animal Control Officer has reasonable grounds to believe has contravened any provision of this bylaw.
49. A Violation Tag may be issued to such person:
  - 49.1. Personally;
  - 49.2. By registered mail to the person at his or her last known post office address; or
  - 49.3. 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 Tag is addressed.
50. The Violation Tag issued pursuant to this bylaw shall be in a form approved by Council and shall state:
  - 50.1. The name of the Owner to whom the Violation Tag is issued;
  - 50.2. The section number of the bylaw provision breached and a brief description of the offence;
  - 50.3. The appropriate specified penalty for the offence as set out at Schedule “B” of this bylaw;
  - 50.4. That the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag; and
51. Where a Violation Tag is issued pursuant to this bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the MD office the penalty specified on the Violation Tag.

**Violation Ticket**

52. Where a Violation Tag has been issued and the specified penalty not paid within the specified time, the Animal Control Officer is authorized to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act*, to any person that the Animal Control Officer has reasonable grounds to believe has contravened a provision of this bylaw.
53. Notwithstanding Section 51, an Animal Control Officer may immediately issue a Violation Ticket to any person whom the Animal Control Officer has reasonable grounds to believe has contravened any provision of this bylaw, regardless of whether a Violation Tag has first been issued.
54. A person to whom a Violation Ticket is issued pursuant to this bylaw may, in accordance with the provisions of the *Provincial Offences Procedure Act*, elect to plead guilty and make a voluntary payment of the specified penalty indicated on the Violation Ticket, on or before the initial appearance date, together with an amount equal to the specified penalty for the offence as provided by Schedule “A” of this bylaw.
55. When a clerk records the receipt of a voluntary payment pursuant to Section 46 and the *Provincial Offences Procedure Act*, the act of recording receipt of that payment constitutes acceptance of the guilty plea and also constitutes the conviction and the imposition of a fine in the amount of the specified penalty.
56. Notwithstanding Section 52 and 53 above, an Animal Control Officer may issue a Violation Ticket without listing a specified penalty, and require that the person charged makes a mandatory court appearance.

**PART IX – EFFECTIVE DATE AND REPEAL**


- 57. Should any provision of this bylaw be deemed invalid, then the invalid provision shall be severed and the remaining bylaw shall be maintained.
- 58. Bylaw No. 858 is hereby repealed upon the third and final reading of this bylaw.
- 59. This bylaw shall come into force and effect upon the third and final reading.


READ A FIRST TIME this 16<sup>st</sup> Day of September, 2014

  
\_\_\_\_\_  
Reeve Ernie Newman


  
\_\_\_\_\_  
CAO Sandra Fox


READ A SECOND TIME this 16<sup>st</sup> Day of September, 2014

  
\_\_\_\_\_  
Reeve Ernie Newman


  
\_\_\_\_\_  
CAO Sandra Fox


Council has unanimously resolved to proceed with third reading this 16<sup>st</sup> Day of September, 2014

  
\_\_\_\_\_  
Reeve Ernie Newman

  
\_\_\_\_\_  
CAO Sandra Fox

READ A THIRD TIME AND FINALLY PASSED this 16<sup>th</sup> Day of September, 2014

  
\_\_\_\_\_  
Reeve Ernie Newman

  
\_\_\_\_\_  
CAO Sandra Fox

MUNICIPAL DISTRICT OF FAIRVIEW NO. 136

**BYLAW No. 916/ANI/2014**

**SCHEDULE "A"**

**FEES**

S. 6.1. . . . .	Yearly Dog/Cat License	\$10.00
	Yearly Dog/Cat License	\$20.00
	** After January 31 of each year.	
S.11. . . . .	Replacement Tags	\$10.00
S.42.2. . . .	Impound/Boarding Fees	\$40.00 for the first day
		\$20.00 for the second and subsequent days
S.42.3. . . .	Medical Fees	As incurred

MUNICIPAL DISTRICT OF FAIRVIEW NO. 136

**BYLAW No. 916/ANI/2014**

**SCHEDULE "B"**

**SPECIFIED PENALTIES**

**PART I - AUTHORITY OF ANIMAL CONTROL OFFICER**

Section 3...Interfere with, impeding or hindering an Animal Control Officer \$500.00

**PART II - LICENCING**

Section 4.....Fail to obtain valid dog license \$50.00

Section 4. . . . Fail to obtain valid Cat License \$30.00

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

Section 6.1....Fail to ensure license tag is worn by cat \$20.00

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

**PART III – DANGEROUS DOGS**

Section 22.1...Dangerous Dog kills another Animal \$1000.00

Section 22.2....Dangerous Dog bite/chase/attack person or animal \$750.00

Section 22.3....Dangerous Dog threatens human \$500.00

Section 23.....Fail to confine Dangerous Dog when on the owner's premises \$300.00

23.2.1.....By Leash and controlled by person of 18yrs old \$300.00

23.2.2.. ...Securely enclosed locked pen or structure \$300.00

Section 23.4.....Fail to attach appropriate signage \$300.00

Section 23.5 . . . . . Fail to muzzle or otherwise secure Dangerous Dog when off  
the premises of the owner \$300.00

**PART IV – RESPONSIBILITIES OF OWNER**

Section 24...Allow dog /other animal to run at large

First Offense \$50.00

Second Offense \$125.00

Third Offense \$300.00

Fourth and subsequent offense, within 1 calendar year, no less than	\$500.00
Section 25...Fail to immediately remove Animal defecation from public/ private property	\$50.00
Section 26...Fail to keep residence/grounds clean/sanitary/inoffensive	
First Offense	\$50.00
Second Offense	\$125.00
Third Offense	\$300.00
Fourth and subsequent offense, within 1 year period, no less than	\$500.00
Section 27.....Allow Animal to bark/howl excessively or otherwise disturb quiet	
First Offense	\$50.00
Second Offense	\$125.00
Third Offense	\$300.00
Fourth and subsequent offense, within 1 year period, no less than	\$500.00
Section 28.....Owner of a Dog which is present in an area where the presence of Dogs is prohibited by sign	\$30.00
Section 29 .....Allow Animal to damage public/private property	
First Offense	\$50.00
Second Offense	\$125.00
Third Offense	\$300.00
Fourth and subsequent offense, within 1 year period, no less than	\$500.00
Section 30...Allow Animal chase/bite/attack/threaten Person or other animal	\$10.00
30.1...Kill another Animal	\$75.00
30.2...Chase Motor Vehicle	\$100.00
Section 31...No person shall negligently or willfully open any gate, door or other opening in a fence, enclosure or otherwise to release an Animal, thereby allowing the animal to run At-large	\$50.00
Section 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	\$50.00
Section 33...Tease, torment, annoy, abuse, neglect any Animal	\$400.00

**PART VI – OTHER CONTRAVENTIONS**

Section 34...Keep livestock in Hamlet of Bluesky or Whitelaw boundaries	\$100.00
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