

BYLAW NO. 07-26-195

**MUNICIPAL DISTRICT OF NORTHERN LIGHTS NO.22
PROVINCE OF ALBERTA**

**BEING A BYLAW TO PROVIDE FOR THE LICENCING, REGULATION AND
CONTROL OF DOGS FOR THE PURPOSE OF PUBLIC SAFETY**

WHEREAS, pursuant to Part 2, Section 7 of the Municipal Government Act, and amendments thereto enables a Council, by bylaw, to regulate and control dogs in the hamlets and subdivisions within the Municipal District of Northern Lights No. 22; and

WHEREAS, the Council of the Municipal District deems it necessary to provide for the regulating, control and confinement of dogs running at large within the hamlets and subdivisions within the MD; now

THEREFORE the Municipal District of Northern Light's No. 22 Council duly assembled, hereby enacts as follows:

Title

1. This Bylaw may be cited as the M.D. of Northern Lights No.22 'Dog Control Bylaw'.

Interpretation And Application

2. In this Bylaw unless the context otherwise requires:
 - (a) "Adult dog" means a dog that is, or appears to be, more than six months old;
 - (b) "Animal" includes domestic fowl and livestock;
 - (c) "Animal Services Centre" means the facility established for the holding of impounded dogs within the Municipality;
 - (d) "Animal Services Officer" means the Bylaw Enforcement Officer or Officers designated or contracted by Council to administer and enforce this Bylaw;
 - (e) "Bylaw Enforcement Officer" means a person appointed as such by the Municipality pursuant to the provisions of the *Municipal Government Act*;
 - (f) "Domestic Animal" means domestic fowl and livestock;
 - (g) "Domestic Fowl" means all types of poultry (chickens, ducks, geese and turkeys) and includes ostriches, peacocks and other exotic birds;
 - (h) "Former owner" means the person who at the time of impoundment was the owner of a dog which has subsequently been sold or destroyed;
 - (i) "Street" means a thoroughfare, road, trail, highway, avenue, parkway, lane, alley, square, bridge, causeway, trestle, sidewalk (including the boulevard portion of the sidewalk), park or other public place;
 - (j) "Justice" has the meaning as defined in the *Provincial Offences Procedure Act* as amended or replaced from time to time;
 - (k) "Leash" means a chain or other material capable of restraining the dog on which it is being used;

- (l) “Livestock” means cattle, swine, horses, buffalo, elk, deer, beefalo, llamas, alpacas, sheep, goats, rabbits, mules, zebras and camels.
- (m) “Municipality” means the municipal corporation of the Municipal District of Northern Lights No.22 or the area contained within the boundary thereof as the context requires;
- (n) “Owner” means a natural person or body corporate that has legal title to a dog, and includes any person who has possession or custody of a dog, either temporarily or permanently, or harbors a dog, or allows a dog to remain on property of the owner;
- (o) “Private Property” includes land and buildings or structures, whether or not affixed to land;
- (p) “Property of the owner” means land or a building owned by the owner of a dog or in respect of which the owner of a dog has a right of occupation;
- (q) “Provincial Court” means The Provincial Court of Alberta;
- (r) “Recognized Hamlet and/or Sub-Division” means the hamlets and/or sub-divisions described in Schedule “A” hereto;
- (s) “Running at large” means an occasion when:
 - (i) a dog which is not under the control of a person by means of a leash is actually upon private property other than property of the owner, or upon any highway; or
 - (ii) a dog which is under the control of a person by means of a leash upon private property other than property of the owner, or upon any highway, causes damage to a person, property or any other animal;

Responsibilities of Dog Owners

- 3. (a) The owner of a dog shall ensure that such dog is not running at large.
- (b) No person shall keep more than three (3) adult dogs upon property owned or occupied by him unless such person is the holder of a dog kennel permit issued under the provisions of the Municipality’s Land Use Bylaw.
- (c) The owner of a dog shall ensure that such dog is properly identified.
- (d) The owner shall not leave any dog/s unattended in any motor vehicle unless the dog is restricted so as to prevent access to persons as long as such restraint provides for suitable ventilation.

Nuisance

- 4.1 Within the boundaries of a recognized Hamlet or sub-division, the owner of a dog shall ensure that such dog shall not:
 - (a) bite a person or persons whether on the property of the owner or not;
 - (b) do any other act that injures a person or persons whether on the property of the owner or not;
 - (c) chase or otherwise threaten a person or persons whether on the property of the owner or not, unless the person chased or threatened is a trespasser on the property of the owner;
 - (d) bite, bark at, or chase domestic animals, bicycles, automobiles, or other vehicles;

- (e) cause damage to property or domestic animals;
 - (f) upset any waste receptacles or scatter the contents thereof either in or about a street or in or about private property other than property of the owner of the dog;
 - (g) bark, bay, howl or otherwise disturb any person.
- 4.2 Within the boundaries of a recognized Hamlet or sub-division, should a dog defecate on any public or private property other than property of its owner, the owner shall remove such defecation immediately.

Dog Control Operation - Authority

- 5.1 Within the boundaries of a recognized Hamlet or sub-division, an Animal Services Officer of the Municipality may capture and impound any dog:
- (a) in respect of which an offence has been committed under this Bylaw; or
 - (b) found running at large; or
 - (c) which is permitted or required to be impounded pursuant to the provisions of any Statute of Canada or of the Province of Alberta, or any Regulation made thereunder.
- 5.2 Outside the boundaries of a recognized Hamlet or sub-division, an Animal Services Officer of the Municipality may capture and impound any dog:
- (a) that has bitten or attempted to bite a person when such dog is on public property, or when the dog is on property of the owner and the person the dog bit or attempted to bite is not a trespasser; or
 - (b) that has pursued, worried or destroyed a domestic animal, when such dog is on public property or on land owned or occupied by the owner or person in actual possession of that domestic animal.

Obstruction

6. No person, whether or not he is the owner of a dog which is being or has been pursued or captured shall interfere with or attempt to obstruct an Animal Services Officer of the Municipality who is attempting to capture or who has captured a dog which is subject to impoundment.

Interference with Dogs

7. No person shall:
- (a) untie, loosen or otherwise free a dog which has been tied or otherwise restrained; or
 - (b) negligently or willfully open a gate, door or other opening in a fence or enclosure in which a dog has been confined and thereby allow the dog to run at large.

Notifications

8. (a) If an Animal Services Officer knows or can ascertain the name of the owner of any impounded dog, he shall serve the owner with a copy of the Notice in Schedule "B" of this Bylaw, either personally or by leaving it, or by mailing it to the last known address of the owner.
- (b) An owner of a dog to whom a Notice is mailed pursuant to this section is deemed to have received the Notice within forty-eight (48) hours from the time it is mailed.

Reclaiming

9. (a) The owner of any impounded dog may reclaim the dog from the Animal Services Centre by paying to an Animal Services Officer the costs of impoundment as set out in Schedule "C" of this Bylaw, and by obtaining the license for such dog, should a license be required under this Bylaw.
- (b) Where a dog is claimed, the owner shall provide proof of ownership of the dog.
- (c) The owner of a dog who has been found not guilty of committing an offence under this Bylaw may request the return of any fees paid by him for reclaiming his dog.

Sale or Destruction

10. The Animal Services Officer shall not sell or destroy an impounded dog until the following conditions are met:
- (a) After a dog is retained in the Animal Services Centre for:
- (i) five (5) days after the owner has received notice or is deemed by Section 10 to have received notice that the dog is in the Animal Service Centre unless the owner of the dog makes arrangements with the Animal Services Officer for the further retention of the dog, or
- (ii) five (5) days, if the name and address of the owner is not known, unless a person having authority orders the retention or the destruction of the dog;
- the Animal Services Officer may cause the dog to be sold or destroyed;
- (b) The Animal Services Officer may retain a dog for a longer period if in his opinion the circumstances warrant the expense;
- (c) The Animal Services Officer may offer for sale all unclaimed dogs which have been in the Animal Service Centre for seven (7) days or longer.
- (d) The Animal Services Officer may, before selling an unclaimed dog, require that the dog be spayed or neutered at the expense of the purchaser of the dog.
- (e) The purchaser of a dog from the Animal Services Centre pursuant to the provisions of this Section shall obtain full right and title to it and the right and title of the former owner of the dog shall cease thereupon.
- (f) When the Animal Services Officer agrees to put a dog to death at the request of the owner, the owner shall pay to the Animal Services Officer a fee as set out in Schedule "C" of this Bylaw.

Penalties

11. (a) Where an Animal Services Officer of the Municipality believes that a person has contravened any provision of this Bylaw, he may commence proceedings by issuing a summons by means of a violation ticket in accordance with the *Provincial Offences Procedure Act*.
- (b) The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule "D" of this Bylaw in respect of that provision.
- (c) Notwithstanding Section 11(b):
- (i) where any person contravenes the same provision of this Bylaw twice within one twelve (12) month period, the specified penalty payable in respect of the second contravention is double the amount shown in Schedule "D" of this

Bylaw in respect of that provision, and

- (ii) where any person contravenes the same provision of this Bylaw three or more times within one twelve (12) month period, the specified penalty payable in respect of the third or subsequent contravention is triple the amount shown in Schedule "D" of this Bylaw in respect of that provision.

Summary Conviction

- 12. (a) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than Two Thousand Five Hundred (\$2,500.00) Dollars and in default of payment is liable to imprisonment for a term not exceeding six (6) months.
- (B) The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a person from the necessity of payment of any fees, charges or costs for which he is liable under the provisions of this Bylaw.
- (C) A Justice, in addition to the penalties provided in this Section, may if he considers the offence sufficiently serious direct or order the owner of the dog to stop the animal from doing mischief or causing the disturbance or nuisance complained of, or to have the animal removed from any area to which this Bylaw applies, or have the animal destroyed.

Application of Bylaw

- 13. (1) The whole of this bylaw applies within all recognized Hamlets and subdivisions in the Municipality;
- (2) The whole of this bylaw, except sections 4.1, 4.2, and 5.1 thereof, apply to all parts of the Municipality that do not form part of a recognized Hamlet or sub-division.

Effective Date

- 14. Bylaw No. 02-26-133 is hereby rescinded.
- 15. This Bylaw shall come into effect on the date of its third reading.

Read for a **FIRST** time this 13th day of February 2007.

Read for a **SECOND** time this 13th day of February 2007.

Read for a **THIRD** and **FINAL** time this 13th day of February 2007.

Chief Elected Official

Chief Administrative Officer

SCHEDULE "A"

Affected Hamlets

Dixonville
Deadwood
Keg River
North Star
Notikewin

AND; including all highways adjoining any such lands

Affected Sub-Divisions

Aspen Grove	NE-22-84-22-W5
Northridge Estates	NE-27-84-22-W5
Weberville Country Estates	NE-35-84-22-W5
Country Road Estates	NE-14-84-24-W5
Sweetwater	SW-07-85-21-W5
Paradise Acres/Watson	SW & NW-06-85-21-W5
Lovlin Flats	SE-24-91-24-W5 & SW-19-91-23-W5

SCHEDULE "B"

Notice of Impoundment

TO: _____
[Name]

[Address]

You are hereby notified that a dog:

- a) bearing Tag No. _____, registered under the above name and address; or
- b) bearing a tattoo _____, registered under the above name and address; or
- c) bearing a micro chip _____, registered under the above name and address or;
- d) bearing no identification, but believed to belong to you;

was impounded on _____, 200__ pursuant to the provisions of Bylaw No. 07-26-195 of the Municipal District of Northern Lights No.22, and that, unless the dog is claimed and all impoundment charges are paid, on or before _____, 200 __, the said dog will be sold, destroyed or otherwise disposed of pursuant to the said Bylaw.

Animal Services Officer

SCHEDULE "C"

Reclamation/Destruction Fees

1.	Impoundment fees	\$25.00
2.	Care and sustenance (per day or portion thereof. To commence at midnight on the day of impoundment)	\$7.00
3.	Veterinary fees	amount expended
4.	Destruction of dog	\$40.00

SCHEDULE "D"

<u>OFFENCE UNDER</u>	<u>OFFENCE</u>	<u>AMOUNT</u>
Section 3(a)	Running at large	\$100.00
Section 3(b)	Keeping more than (3) adult dogs	\$100.00
Section 4.1(a)	Biting a person(s)	\$350.00
Section 4.1(b)	Injure a person(s)	\$200.00
Section 4.1(c)	Chasing a person(s) or attempting to bite a person(s)	\$200.00
Section 4.1(d)	Biting, barking at bicycles, automobiles or other vehicles	\$200.00
Section 4.1(d)	Pursued, worries or destroyed livestock or domestic fowl	\$200.00
Section 4.1(e)	Damage to property or other animal	\$250.00
Section 4.1(f)	Upsetting waste receptacles	\$100.00
Section 4.1(g)	Disturbing Neighbors	\$150.00
Section 6	Obstruction	\$500.00
Section 7	Interference	\$500.00