



OF THE MUNICIPAL DISTRICT OF OPPORTUNITY NO. 17
In the Province of Alberta

BYLAW 2016-11

Being a Bylaw of the Municipal District of Opportunity No. 17 to regulate the keeping of dogs within the municipality.

WHEREAS, pursuant to Part 2, Division 1, Sections 7 and 8 of the *Municipal Government Act, Chapter M-26, R.S.A. 2000* and amendments thereto, a Municipal Council may for municipal purposes pass Bylaws for the safety, health and welfare of people; bylaws respecting wild and domestic animals and activities in relation to them; and Bylaws to provide for a system of licensing and conditions imposed on the foregoing;

AND WHEREAS the Council of the Municipal District of Opportunity No. 17 deems it desirable to regulate and license the keeping of dogs in the municipality;

NOW THEREFORE, the Council for the Municipal District of Opportunity, duly assembled, enact as follows:

PART 1: INTERPRETATION

1. This Bylaw may be cited for all purposes as the "Dog Control Bylaw".
2. In this Bylaw, unless the context otherwise requires:
 - a. "At Large" means a dog which is off the premises of its owner and not on a leash or under the immediate, continuous and effective control of a competent person.
 - b. "CAO" means a person appointed by the MD as the Chief Administrative Officer pursuant to the *Municipal Government Act*.
 - c. "Council" means the Council of the Municipal District of Opportunity No. 17.
 - d. "Dog" means a male or female domestic canine actually or apparently over the age of four (4) months.
 - e. "Enforcement Officer" means the person or entity appointed by the MD to enforce the provisions of this Bylaw including but not limited to a Bylaw Enforcement Officer, a member of the RCMP, and a Provincial Special Constable or Peace Officer.
 - f. "MD" means the Municipal District of Opportunity No. 17.
 - g. "Owner" means the person with legal title to a dog and any person who has possession or custody of a dog, harbors a dog, or allows a dog to remain on or about his or her premises.
 - h. "Pound Attendant" means the person or entity appointed by the MD to maintain and control the MD Pound under the direction of the Enforcement Officer and includes an assistant engaged by the MD.
 - i. "Vicious Dog" means a dog which:
 - i. has shown a propensity or disposition to bite or attempt to bite, without provocation, people or animals; or

- ii. has shown a propensity or disposition to chase people or animals; or
- iii. was designated as a Vicious Dog under a previous MD Animal Control Bylaw.
- j. "Warning" means to convey to any person, verbally or in writing, the consequences of a conviction of an offence under this bylaw.

PART 2: LICENSING

- 3. No person shall keep a dog in the MD unless it is currently licensed.
- 4. Every owner of a dog must obtain a license from the MD within one month of the date he or she becomes the dog owner, and for that purpose provide to the MD their name, physical and mailing addresses, and at least one telephone number together with a description of the dog including its sex, age, breed, colour, and any other relevant information the MD may request.
- 5. License holders may not transfer the license to different owner or dog.
- 6. The owner of a dog that has been licensed by the MD may obtain a replacement tag for that dog if their tag has been lost.
- 7. Licensing provisions do not apply to persons located in the MD for a period of (14) fourteen days or less.
- 8. An owner must ensure the tag issued at licensing is securely fastened to a collar or harness worn by the dog at all times the dog is off the premises of the owner.
- 9. Dog licenses, tags, and replacement tags will be issued at no charge.
- 10. Licenses become invalid when the dog is removed from the MD, is given or sold to a new owner, or dies.

PART 3: GENERAL REGULATIONS

- 11. While in the course of enforcing this Bylaw, but not for the sole purpose of gathering evidence, an Enforcement Officer is authorized to enter any property at any reasonable time with reasonable notice, except into a building occupied as a dwelling unless the occupier expresses consent.
- 12. No person may interfere with or attempt to obstruct an Enforcement Officer in the execution of his or her duties under this Bylaw.
- 13. No owner shall allow his or her dog to be at large.
- 14. No person may keep more than two (2) dogs on any property within the MD except a licensed veterinarian on premises used for the care and treatment of dogs, and the MD in a Pound
- 15. The owner of a female dog "in heat" must keep it confined in a building, run or other secure enclosure until the heat has passed except for periods of elimination when the dog must be under the effective control of a person.
- 16. If a dog defecates on any public or private property other than the property of its owner, the owner shall cause the defecation to be removed immediately, and no owner may allow feces to accumulate on his or her premises.
- 17. No owner shall permit his or her dog to bark or howl excessively or in any other manner disturb the peace, rest, or quiet of any other person.

18. No owner shall permit his or her dog to damage public or private property.
19. No owner shall allow his or her dog to endanger the public by:
- a. Biting, attempting to bite, chasing or otherwise attacking a person or animal; or
 - b. Chasing bicycles, vehicles, off highway vehicles or any other human conveyance.
20. The owner of any dog that bites a person must promptly report the incident to the nearest office of the MD or to an Enforcement Officer.
21. No person shall open any gate, door, window, fence, cage or other enclosure in which a dog has been confined.
22. No person shall torment, harm or neglect any dog.
23. No owner or person having care and control of a dog may allow the dog to be in or on a playground, sport facility, or on any school grounds during school operating hours.

PART 4: IMPOUND AND DISPOSITION

24. The Enforcement Officer may capture and impound any dog found at large in the MD.
25. To assist in the capture of dogs at large the Enforcement Officer may utilize humane trapping equipment and methods.
26. No person shall:
- a. Induce an at-large dog to enter a place where it may be safe from capture, or otherwise assist a dog to escape capture;
 - b. Falsely self-represent as being the owner or person authorized with care and control of a dog;
 - c. Attempt to release a captured dog from any cage or vehicle.
27. Where possible, the Enforcement Officer will notify the dog owner of the impoundment and any impound fees or other costs owed.
28. At the expiration of the impound period set out in sections 29 and 30, unclaimed dogs may at the discretion of the Enforcement Officer be adopted, sold, transferred to a rescue agency, or destroyed and the disposition recorded.
29. Except as provided for in section 29 below, an impounded dog will not undergo disposition before the expiration of a seventy-two (72) hour period excluding the day of impound, Saturdays, Sundays, and statutory holidays.
30. An impounded dog which in the opinion of the Enforcement Officer or CAO is a purebred dog or which bears a license tag, tattoo, or other identification will not undergo disposition before the expiration of a seventy-two (72) hour period following notification to the owner that the dog is impounded, or before the expiration of a ten (10) day period if attempts to notify the owner are unsuccessful, whichever comes first; excluding the day of impound, Saturdays, Sundays, and statutory holidays.
31. An owner or agent of the owner must pay all pound fees and other costs incurred by the MD for care of the dog before the dog will be released from impound.
32. The owner of a dog that has bitten a person in a manner to have broken the skin in any way must temporarily surrender the dog to the Enforcement Officer for quarantine in the MD pound for 240 hours or until

the quarantine is concluded in writing by a health officer of the province of Alberta.

33. At the request of the owner and subject to the approval of the Enforcement Officer, the MD will accept ownership of any dog.
34. No person shall remove or attempt to remove any dog from the Pound or from the possession of the Enforcement Officer or the Pound Attendant until permitted to do so by the Enforcement Officer.
35. The Enforcement Officer and Pound Attendant shall:
 - a. adequately shelter and care for all impounded dogs;
 - b. record all impounds and dispositions and retain the records for 2 years;
 - c. report impound and disposition statistics to the CAO monthly.
36. An Enforcement Officer is empowered to destroy or direct the destruction of any impounded dog which, in his or her opinion, is suffering from an incurable injury or illness.

PART 5: COMMUNICABLE DISEASE

37. Owners of a diseased dog must confine it to their premises and must provide adequate medical treatment for the dog.
38. Without prior written authorization from an Enforcement Officer, no person may destroy, cause to be destroyed, or remove from the MD any dog that has bitten a person in a manner to have broken the skin in any way, or any dog that is suspected to be or diagnosed as rabid.
39. When a quarantined dog dies prior to the conclusion of the quarantine period, the Enforcement Officer shall cause the dog's head to be conveyed to the applicable provincial agency or officer together with all information available about the dog's contact with humans.
40. The carcass of any dog that was suspected to be or diagnosed as rabid must be surrendered to the Enforcement Officer.
41. The Enforcement Officer shall direct the disposition of any dog diagnosed as rabid.
42. Not restricting the generality of the foregoing provisions in this Part, if Council passes a resolution requiring all dogs in the MD be confined to their owner's property in response to an official report of an outbreak of rabies or other communicable disease, all owners must immediately confine their dog(s) as directed for the specified period.
43. During a period referred to in section 42, every dog bitten by a dog suspected to be or diagnosed with the communicable disease must be quarantined in the MD Pound in the manner set out in section 32; and as required, at the owner's expense and discretion, receive appropriate medical treatment or be destroyed.

PART 6: VICIOUS DOGS

44. If the Enforcement Officer or the CAO has reasonable grounds to believe and does believe that a dog is a Vicious Dog, he or she may issue written notice to the owner that the dog is a Vicious Dog and that the owner must comply with all requirements in this Bylaw by a specified date.
45. At minimum, the "reasonable grounds" referred to in section 44 will include the dog having been designated as a Vicious Dog under a previous Animal Control Bylaw of the MD; or the owner having been convicted of at least one violation of section 19 of this Bylaw in respect of the dog.

46. An owner of a Vicious Dog shall maintain in force a policy of liability insurance in a form satisfactory to the CAO providing third party liability coverage of at least five hundred thousand dollars (\$500,000.00) for injuries or losses caused by their Vicious Dog.
47. The insurance policy referred to in section 46 must contain a provision requiring the insurer to immediately notify the MD in writing should the policy expire or be cancelled or terminated.
48. The owner of a Vicious Dog must prevent the dog from biting, attempting to bite, chasing, or otherwise attacking any person or animal whether the person or animal is on the property of the owner or elsewhere.
49. If a Vicious Dog bites, chases, or otherwise attacks a person or animal, the owner must notify the Enforcement Officer or CAO immediately.
50. When a Vicious Dog is on the premises of its owner the owner must keep the dog confined in an enclosure constructed and secured so as to prevent the escape of the dog and the entry of unauthorized persons.
51. The confinement referred to in section 50 shall have a secure top and sides and either:
- a. a secure bottom effectively attached to the sides; or
 - b. sides embedded in the ground to a minimum depth of thirty (30) centimeters.
52. When a Vicious Dog is off the premises of the owner the owner must effectively prevent the dog from biting, chasing or otherwise attacking any other person or animal either by muzzling and leashing the dog and ensuring it is controlled by a competent person over the age of eighteen (18); or by securing the dog in an locked enclosure such as a vehicle, cage, pen or house.
53. In addition to all other remedies provided for in this Bylaw, if the Enforcement Officer or the CAO has reasonable grounds to believe and does believe that a Vicious Dog is not being kept in accordance with this Bylaw, he or she may:
- a. At any reasonable time, enter the property where the dog is, except into a building occupied as a dwelling, and seize and impound the dog; or
 - b. At any time authorized by a warrant, enter the property including into a building occupied as a dwelling and seize and impound the dog; and
- within 21 days of the dog seizure, commence legal action to obtain an court order directing that the dog be controlled in accordance with this Bylaw, humanely destroyed, or removed from the MD.

PART 7: OFFENCE AND FINE

54. Any person who contravenes any provision of this Bylaw is guilty of an offence.
55. A person who is guilty of an offence is liable to a fine in an amount not less than that established in Schedule "A" and not exceeding \$10,000.00.
56. Each day an offence continues constitutes a separate offence occurrence.
- 57.
- a. An Enforcement Officer is hereby authorized and empowered to issue a Municipal Tag to any person whom the Officer has

reasonable grounds to believe has contravened any provision of this Bylaw;

- b. In the case of a contravention of section 3, 12, 13, 14, 15, 17, 22, 46 or 50, an Enforcement Officer may only issue a Municipal Tag to a person if that person has previously received a Warning for a previous contravention of that provision.

58. The Municipal Tag may be served:

- a. in the case of an individual,
 - i. personally to the individual;
 - ii. by registered mail to the individual at their apparent place of residence or at any address for the individual on the tax roll of the MD or at the Land Titles registry; or
 - iii. by leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age.
- b. in the case of a corporate entity,
 - i. personally to any director or officer of the corporate entity;
 - ii. personally to a person apparently in charge of an office of the corporate entity at an address held out by the corporate entity to be its address; or
 - iii. by registered mail addressed to the registered office of the corporate entity.

59. Notwithstanding section 58, the Municipal Tag may be posted in a conspicuous place on the individual's or corporate entity's last known premises of record, if service cannot otherwise reasonably be effected.

60. The Municipal Tag shall be in a form approved by the CAO and shall state at minimum:

- a. the name of the person who allegedly committed the offence;
- b. the location at which the offence was allegedly committed, if applicable;
- c. the penalty imposed for the offence as specified in Schedule "A" of this Bylaw;
- d. that the penalty must be paid within fourteen (14) clear days of the issuance of the Municipal Tag in order to avoid prosecution; and
- e. any other information as may be required by the CAO.

61. Where a Municipal Tag has been issued pursuant to this Bylaw, the person to whom the Municipal Tag has been issued may, in lieu of being prosecuted for the offence, pay to the MD the monetary penalty specified on the Municipal Tag.

62. Where a contravention of this Bylaw is of a continuing nature, further Municipal Tags may be issued by an Enforcement Officer provided that no more than one (1) Municipal Tag is issued for each day that a contravention continues.

63. If a Municipal Tag has been issued and the penalty not paid within the prescribed time, an Enforcement Officer may issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act* to the person to whom the Municipal Tag was issued.

64.

- a. Nothing in this Bylaw shall prevent an Enforcement Officer from immediately issuing a Violation Ticket to any person whom the

Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw;

- b. Notwithstanding section 64(a), in the case of a contravention of section 3, 12, 13, 14, 15, 17, 22, 46 or 50, an Enforcement Officer may only issue a Violation Ticket to a person if that person has previously received a Warning for a previous contravention of that section.

65. A Violation Ticket issued in respect of a contravention of this Bylaw shall be served upon the person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.

66. If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:

- a. specify a fine established by this Bylaw for the offence in Schedule "A" for voluntary payment; or
- b. require a person to appear in court without the alternative of making voluntary payment of the fine.

67. A person to whom a Violation Ticket is issued may, if the Violation Ticket provides for voluntary payment of a fine established by the Bylaw, pay the fine amount specified to a Clerk of the Provincial Court on or before the initial appearance date indicated on the Violation Ticket.

68. When a Clerk of the Provincial Court records receipt of a voluntary payment of a fine set out in a Violation Ticket, the act of recording receipt of that payment constitutes a guilty plea to the charge and also constitutes a conviction and the imposition of a penalty following the conviction.

PART 8: ADMINISTRATION AND SEVERABILITY

69. If any provision of this Bylaw is declared invalid because of any word, phrase, clause, sentence, paragraph or section, or because of any schedules which form part of this Bylaw, or if an application of any part of this Bylaw to any person or circumstance is declared invalid, the remaining provisions shall not be affected thereby but shall remain in force.

70. Where any conflict arises between the requirements of this Bylaw and those of any other Bylaw of the MD, the more stringent requirements shall apply.

71. Bylaw 2008-12 and Bylaw 2009-08 and all amendments thereto are hereby repealed.


72. This Bylaw shall come into force and effect upon passage by Council.

Read a first time this 13th day of July, 2016,

Read a second time this 9th day of November, 2016

And by unanimous consent:

Read a third time and adopted this 9th day of November, 2016.



 REEVE



 CHIEF ADMINISTRATIVE OFFICER

BYLAW 2016-11

SCHEDULE "A"

FINES FOR OFFENCES:

OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD & SUBSEQUENT OFFENCES
S. 3 – No Dog License	\$50	\$100	\$200
S. 13 - Dog at Large	\$50	\$100	\$200
S. 14 – Keeping Excessive Dogs	\$50	\$100	\$200
S. 17 - Dog Disturbing the Peace	\$100	\$200	\$300
S. 15 - Unconfined Female in Heat	\$25	\$50	\$100
Part 5- Unconfined Dog	\$100	\$200	\$500
S.19 - Dog Endangering Public	\$100	\$200	\$500
S. 22 - Harm Dog	\$200	\$300	\$500
S. 12 - Obstruct Enforcement Officer	\$200	\$500	\$1500

FINES FOR VICIOUS DOG OFFENCES:

S. 46 - Fail to Insure	\$ 300
S. 50 - Unconfined Vicious Dog	\$ 600
S. 52 - Unsecured Vicious Dog	\$ 900
S. 48 - Vicious Dog Attack	\$1200
S. 3 - No License for Vicious Dog	\$1500

POUND FEES: \$20.00 per day or any part thereof, including day of impound.

VERTERINARY AND OTHER CARE: At cost.