

OF THE MUNICIPAL DISTRICT OF OPPORTUNITY NO. 17

In the Province of Alberta

Being a bylaw of the Municipal District of Opportunity No. 17, for the purpose of restraining and regulating the running at large of dogs in the Municipal District.



Animal Control Bylaw

**Municipal
District of
Opportunity
No. 17**

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WHEREAS, pursuant to Section 7 of the Municipal Government Act, Chapter M-26.1, R.S.A. 1994, and amendments thereto, empowers a council to pass bylaws for municipal purposes respecting wild and domestic animals and activities in relation to them;

AND WHEREAS it is desirable to restrain and regulate the running at large of dogs in the Municipal District of Opportunity No. 17;

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

1. This bylaw may be cited as the Municipal District of Opportunity bylaw.
2. In this bylaw,
 - 1) "M.D." means the Municipal District of Opportunity.
 - 2) "DOG" means either a male or female dog actually or apparently over the age of six (6) months.
 - 3) "ENFORCEMENT OFFICER" means the person or firm appointed by the M.D. to enforce the provisions of this Bylaw, the Shelter Officer, a Special Constable or a Peace Officer.
 - 4) "SHELTER OFFICER" means the person or firm appointed by the M.D. to maintain, manage and control the shelter and shall also include such assistant or assistants as may be engaged by the M.D.
 - 5) "OWNER" means the person who has legal title to a dog, and includes also any person who has possession or custody of a dog, or harbors a dog, or suffers a dog to remain on his premises.
 - 6) "RUNNING AT LARGE" means a dog which is off the premises of the owner, and is not on a leash or under the immediate, continuous and effective control of its owner or some competent person.
 - 7) "Restricted Dog" means a dog of any age which can be identified as a dog exclusively or partially of one or more of the following breeds or kinds by Veterinarian registered as a member of the Alberta Veterinary Medical Association pursuant to the Veterinary Surgeons

Act, R.S.A., 1980, c. V-3 Namely;

- Pit Bull Terrier
- American Pit Bull terrier
- Pit Bull
- Any Breed of Canidae Cross-bred with a Pit Bull

8) "Vicious Dog" means a dog of any age, including a

Restricted Dog which:

- shows a propensity, disposition or potential to attack or injure, without provocation, humans or other animals; or
- without provocation, chases humans or other animals; or is a continuing threat of serious harm to humans or other animals;

3. No person shall keep a dog in the M.D. unless same has been licensed with the M.D. in accordance with Sections 4 and 5.

4. The owner of every dog shall, within one month of the time he or she becomes the owner of a dog, obtain a license from the M.D. and at that time leave with the M.D. his/her name and mailing address, telephone number and the description of the dog including: sex, age, breed and any other relevant information that may be requested.

5. Upon obtaining a license for a dog, the owner shall be given a metallic plate having raised, stamped or cast thereon the words "DOG TAG M.D OF OPPORTUNITY" and a number corresponding with the number under which the dog is licensed, and the metallic plate shall be attached by the owner to a collar and caused to be worn around the neck of the dog.

6. No charge will be made for the initial registration or for the issue of animal dog tags.

7. Every license shall expire when the dog

1. dies
2. leaves the M.D. or
3. changes ownership

8. Any dog whether licensed or not which

- 1) is running at large, or
- 2) bites, attacks, runs at, or attempts to bite, attack or run at any person, or
- 3) chases or barks at any automobile, bicycle, or other vehicle, or
- 4) worries or annoys any other animal, or
- 5) is actually or apparently infected with rabies, or any other contagious disease or infection and is not under a veterinarian's care, or
- 6) causes damage to private or public property within the M.D., or
- 7) whether under leash, immediate and effective control or not,
 - a) is brought or found on school grounds or the area of a park, or
 - b) is named or described or otherwise designated in a complaint made under the provisions of the Dangerous Dogs Act, or
 - c) is the subject of a complaint by any person as creating a nuisance by barking, howling or otherwise disturbing any person, at any time of day or night,
 - d) who has been injured or is vicious, endangering personnel in the carrying out of their duties, may be captured and impounded by the Enforcement Officer, in the animal shelter, after which it shall be dealt with in a manner as directed by the Enforcement Officer.

9. Restricted or Vicious Dogs

- **An Owner of a Restricted or Vicious Dog shall maintain in force a policy of liability insurance in a form satisfactory to the C.A.O. of the Municipal District of Opportunity No. 17 providing third party liability coverage in a minimum of Five Hundred Thousand (\$500,000.00) Dollars for injuries caused by the Owner's Restricted Dog or Vicious Dog.**
- **The liability policy shall contain a provision requiring the insurer to immediately notify the municipality in writing should the policy expire or be cancelled or terminated.**
- **The Owner of a Restricted or a Vicious Dog shall take all the necessary steps to ensure that it does not bite, chase, or attack any human or other animal whether the person or animal is on the property of the Owner or not.**
- **If a Restricted or Vicious Dog bites or attacks a person or animal, the Owner shall be guilty of an offence and subject liable to a fine under this amendment, exclusive of any other civil actions or penalties.**

When a Restricted or Vicious Dog is on the premises of its Owner, it shall be kept confined indoors under the effective control of a person over the age of eighteen (18) years, or confined in a securely enclosed and locked pen, or other structure constructed and secured in such a fashion as to prevent the escape of the Restricted Dog or Vicious Dog, and to prevent the entry of persons unauthorized by the Owner.

Any such pen shall have a secure top and sides and either:

have a secure bottom effectively attached to the sides; or

The sides shall be embedded in the ground to a minimum depth of thirty (30) centimeters.

When a Restricted or Vicious Dog is off the premises of the Owner, it shall be securely muzzled, and shall be either harnessed or leashed securely to effectively prevent it from attaching or biting a human or other animal; provided that this requirement shall not apply when the Restricted Dog or Vicious Dog is in a building or enclosure in attendance at a bona fide dog show, or confined in a pen

If the Pound Keeper, Police Constable, C.A.O. of the municipality or an Enforcement Officer determines on reasonable grounds that a dog is a Vicious Dog, either through personal observation or on the basis of facts determined after an investigation initiated by a complaint, he may:

Have the Enforcement Officer issue the Owner with a written notice that the dog has been determined to be a Vicious Dog; and

Require the Owner to keep such dog in accordance with the provisions defined in this bylaw; and

Inform the Owner that if the Vicious Dog is not kept in accordance with this bylaw, the Owner will be fined, or subject to enforcement action.

Where the Owner of a dog that has been determined to be a Vicious Dog produces information to the C.A.O. of the Municipal District of Opportunity No. 17 that may alter a determination made. The C.A.O. shall, as soon as is reasonably possible, cause the matter to be reviewed and make a final determination.

In addition to the remedies set forth in this amendment, if the C.A.O. of the Municipal District of Opportunity No. 17, Enforcement Officer or Police Constable determines that a Vicious Dog or a Restricted Dog is not being kept in accordance with this Amendment, he or she may:

make application pursuant to Section 7(h) of the Municipal Government Act, R.S.A. 2000, c. M-26, as amended, for an order directing that such dog be controlled in accordance with this Amendment, or be removed from the municipality.

9. Before an owner can redeem an impounded dog, they shall pay to the M.D., all costs associated with impoundment and veterinary services incurred by a shelter officer.

PROVIDED THAT, if such dog is not licensed, such owner shall first obtain a license, as hereinbefore provided, before such dog is released.

10. Any dog licensed or unlicensed, not redeemed shall become the property of the M.D.

11. The Enforcement Officer shall:

1. forthwith after impoundment of any dog, notify the owner, if ascertainable, of such impoundment, and require all licensed dogs, in unclaimed, to be confined for a period of not less than Seventy Two (72) hours,
2. make provision for an adequate animal shelter and provide adequate care, food and water for any dog so impounded,
3. keep record of all dogs impounded and of their disposal,
4. **receive a surrendered dog for immediate disposal at the MD's discretion,**
5. make a monthly report to the M.D. of impoundments,
6. be empowered to destroy a dog, or direct a dog to be destroyed

No person whether or not he/she is the owner of a dog which is being or has been pursued or captured shall:

Interfere with or attempt to obstruct an Enforcement Officer who is attempting to capture or who has captured any dog in accordance with the provisions of this Bylaw.

Induce any dog to enter a house or other place where it may be safe from capture or otherwise assist the dog to escape capture.

Falsely represent himself/herself as being in charge or control of a dog so as to establish that the dog is not running at large as the term is defined in this Bylaw.

Unlock or unlatch or otherwise open the van or vehicle in which dogs captured for impoundment have been placed so as to allow or attempt to allow a dog or dogs to escape.

Any person authorized by this Bylaw to enforce the provisions contained herein may enter onto the land surrounding any building in pursuit of any dog or domestic animal which has been running at large.

Any owner who contravenes any provisions of this Bylaw or allow his or her dog to act in a manner so as to make it subject to impoundment under the provision of this bylaw is guilty of an offence and liable upon summary conviction in addition to any fees payable by reason of impoundment, to a fine not more than Five Hundred Dollars (\$500.00) and costs, and in default of payment of such fine and costs, to imprisonment for a period ten (10) days, but in no case shall such penalty be less than that which would have been specified upon voluntary payment.

In lieu of being prosecuted, a person who has contravened any provision of this Bylaw may elect to voluntarily pay a time in respect of the contravention, in which case the fine shall be:

Twenty Five Dollars (\$25.00) for the first offense; Fifty Dollars (\$50.00) for the second and subsequent offenses;

provided that the person has been served with a Violation Ticket as prescribed by the Provincial Offenses Procedure Act.

The Council for the Municipal District of Opportunity No. 17 may from time to time amend the fines by Council resolution.