

BYLAW NUMBER 03-408
of the Municipal District of Greenview No. 16,
in the Province of Alberta, for the purpose of
CONTROLLING, CONFINING AND
REGULATING DOGS

PURSUANT TO Section 7(h) of the Municipal Government Act, R.S.A. 2000, Chapter M-26.1 and amendments thereto, a Council may pass a bylaw for regulating and controlling animals; and

WHEREAS the Council for the Municipal District of Greenview No. 16 deems it desirable and in the best interest of the public to provide for the regulating, control and confinement of dogs within specified areas within the boundaries of the Municipal District;

THEREFORE, the Council for the Municipal District of Greenview No. 16, duly assembled, hereby enacts as follows:

1. This Bylaw may be cited as the "Dog Control Bylaw".

DEFINITIONS

2. For the purposes of this Bylaw, the following definitions shall apply:
 - a) "Animal Control Officer" shall mean any person appointed by the Council of the Municipal District of Greenview or under contract by the Municipal District of Greenview to enforce the provisions of this Bylaw;
 - b) "Council" shall mean the Council of the Municipal District of Greenview No. 16;
 - c) "M.D." shall mean the Municipal District of Greenview No. 16;
 - d) "Dog" shall mean any canine animal and shall include a bitch, spayed bitch, male or neutered male;
 - e) "Owner" shall mean and include any person or group of persons owning, possessing, having charge of or control over or harbouring any dog, either temporarily or permanently, or permitting any dog to remain about his property;
 - f) "Pound" shall be the place designated by the Council for the confinement and keeping of dogs impounded;
 - g) "Pound Keeper" shall mean the person or persons appointed by the M.D. to operate a respectable impound facility, or the authorized agent of a corporation or society with whom the M.D. has an agreement pound keeper;
 - h) "Running at Large" shall mean any dog that is off the property of its owner and is not on a leash or lead and under the effective control of its owner or someone acting with the authority of the owner;
 - i) "Specified Areas" shall mean the hamlets of DeBolt, Ridgevalley, Grovedale, Landry Heights and Little Smoky, and the subdivisions known as Sandy Bay, The Narrows, and Aspen Grove; all located within the boundaries of the M.D; and
 - j) "Vicious Dog" shall mean a dog which:
 - a) Shows a propensity, disposition or potential to attack or injure humans or other animals without provocation;
 - b) Attacks, bites, or injures any human or other animal without provocation; or
 - c) Represents a continuing threat of serious harm to human or other animals.
 - k) "Violation Ticket" shall mean a summons violation ticket issued under Part 2 of the Provincial Offences Procedures Act, R.S.A. 2000, Chapter P-34.

GENERAL OFFENCES

3. It shall be the responsibility of all Owners of dogs to ensure that:
 - a) The dog is not permitted to run at large within Specified Areas;
 - b) The dog is not permitted to bark or howl excessively or in such a manner so as to disturb the quiet of any person;
 - c) No dog is permitted to damage public or private property;
 - d) No dog is permitted to bite, attack or chase any person, other animal, bicycle, or motor vehicles;
 - e) No dog is permitted to upset any garbage receptacle or scatter the contents of any garbage receptacle;
 - f) During any period in which a bitch is in heat, the owner of the animal shall keep the bitch confined and housed the entire period it is in heat;

- g) No dog that is suffering from a communicable disease is permitted to come in contact with other animals or humans, the owner of the animal shall keep the animal confined and housed;
 - h) No dog is allowed to defecate on any public property or private property other than the property of its owner. If a dog defecates on public or private property, the owner shall remove defecation immediately; and
 - i) No vicious dog is permitted or allowed on any public or private property other than the property of the owner unless the vicious dog is:
 - a) Muzzled;
 - b) On a leash adequate to restrain the dog; or
 - c) Under the effective control of the owner or someone acting with the authority of the owner.
4. No person may:
- a) Interfere with, obstruct or attempt to obstruct an Animal Control Officer or anyone assisting him/her while lawfully engaged in the pursuit or seizure of a dog at large;
 - b) Induce a dog to enter a house or other place where it may be safe from capture or otherwise assist the dog to escape capture;
 - c) Falsely represent him/herself as being in charge and control of a dog so as to establish the dog is not running at large;
 - d) Unlock or unlatch or otherwise open a vehicle in which dogs seized by an Animal Control Officer have been or are being placed;
 - e) Remove or attempt to remove a dog from the possession or control of the Pound Keeper; or
 - f) Untie, loosen or otherwise free a dog which has been tied or otherwise restrained.
5. A person who contravenes any provision of this Bylaw is guilty of an offence and shall be issued a Violation Ticket which is subject to a fine as specified in Schedule "A". Schedule "A" may be amended by resolution of Council.

ENFORCEMENT

6. Council is hereby empowered and authorized to make such rules and regulations, as they consider necessary for the carrying out of this Bylaw, including but not limited to:
- a) Appointing one or more Animal Control Officers to carry out the provisions of this Bylaw; and
 - b) Establishing one or more Pounds for the impounding and keeping of dogs found running at large within the specified areas.
7. An Animal Control Officer, in order to enforce the provisions contained herein, may enter onto the land surrounding any dwelling in pursuit of any animal which has been in violation of the Bylaw. An Animal Control Officer may enter into any public or private property in pursuit of any dog that is or has been running at large irrespective of any "No Trespassing" signs posted on the premise, without the permission of the owner or occupant.
8. An Animal Control Officer may capture and impound any dog in respect which s/he believes an offence is being committed under this Bylaw
- a) An impounded dog may be kept at the Pound for a period of seventy-two (72) hours, not including Saturdays, Sundays and Statutory Holidays. During this period, the Owner may reclaim the dog by paying an infraction fee, set out in Schedule "A", and boarding fee as set out in Schedule "B" of this Bylaw, and by paying the Pound Keeper directly any Veterinarian fees incurred during the impoundment.
 - b) Any dog which has not been claimed within a period of seventy-two (72) hours after acknowledgement of notice by the Owner, or being impounded, not including Saturdays, Sundays and Statutory Holidays, where the Owner cannot be found, may be sold by the Pound Keeper, or the Animal Control Officer, for the best price obtainable and the monies derived from such sale shall be applied to the payment of the Pound Keeper.
 - c) Any dog which is impounded and cannot be sold, within a reasonable time, may be euthanized with no liability to the Owner for the said euthanized dog.

9. It shall be the responsibility of any Animal Control Officer to attempt to the best of his/her ability to ascertain the name of the Owner of any dog impounded and, upon obtaining the name of said Owner, to serve said Owner with a Notice of Impoundment and/or Violation Ticket.

- 10. The Violation Ticket shall state:
 - a) The name and address of the offender if ascertainable;
 - b) The offence;
 - c) The appropriate penalty for the offense as in Schedule "A" of this Bylaw; and
 - d) That the penalty shall be paid within 30 days of the issuance of a Violation Ticket.

- 11. A Notice of Impoundment and/or Violation Ticket shall be deemed to have been sufficiently served if:
 - a) Served personally on the accused;
 - b) Served by registered mail to their last known address;
 - c) Upon retrieval of the Owner's dog from the Pound; or
 - d) Left at the accused place of residence with an occupant which is at least sixteen (16) years of age.

12. When the Owner of a dog cannot be identified, a notice shall be posted of the door or gate of the pound, which shall set out the date of which the dog was impounded as well as a description of the dog and the date on which the said dog, if not redeemed, maybe euthanised. The noticed must be posted seventy-two (72) hours before the euthanasia may take place, which periods shall not include Saturdays, Sundays or Statutory Holidays.

- 13. When necessary, the Animal Control Officer may, in attempting to capture a dog found to be in contravention of this Bylaw, employ the use of bait or any device or other suitable means to apprehend the dog, provided that:
 - a) It is not prohibited by law; and
 - b) It is employed with due respect for humaneness to the dog.

PENALTIES

14. Each violation of this Bylaw shall constitute a separate offence and is liable to a fine not in excess of TWO THOUSAND, FIVE HUNDRED DOLLARS (\$2,500.00).

15. In lieu of prosecution, a person who has contravened any provision of this Bylaw may, within thirty (30) days of the issuance of a Violation Ticket, elect to voluntarily pay a penalty as set out in Schedule "A" of this Bylaw.

SEVERABILITY PROVISION

16. Should any provision of this bylaw be invalid, then such invalid provision shall be severed and the remaining Bylaw shall be maintained.


Bylaw Number 02-372 is hereby rescinded.


This Bylaw shall come into force and effect upon the day of final passing.

Read a first time this 9th day of July, 2003

Read a second time this 27th day of August, 2003

Read a third time and finally passed this 27th day of August, 2003


 REEVE


 MUNICIPAL MANAGER

**M.D. OF GREENVIEW NO. 16
DOG CONTROL BYLAW 03-408**

Schedule "A"

FINES FOR INFRACTIONS

Infraction	Minimum Fine	Second and Subsequent Offences Minimum Fine
Allowing a dog to run at large	\$50.00	\$100.00
Dog disturbing the peace of other persons	\$50.00	\$100.00
Dog damaging property or injuring other animals	\$75.00	\$150.00
Dog upsetting or scattering any garbage receptacle	\$50.00	\$100.00
Bitch in heat not confined	\$50.00	\$100.00
Diseased dog not confined	\$50.00	\$100.00
Dog being a public nuisance	\$50.00	\$100.00
Failure to remove defecation	\$75.00	\$150.00
Failure to muzzle, secure, or confine a vicious dog	\$100.00	\$200.00
Obstruction of an Animal Control Officer	\$50.00	\$100.00

Schedule "B"

Impounding Fee	\$50.00
Boarding Fee	\$5.00 per day