

# MUNICIPAL DISTRICT OF BIGHORN NO. 8

## BYLAW 06/05

BEING A BYLAW OF THE MUNICIPAL DISTRICT OF BIGHORN NO. 8 IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING, LICENSING AND CONTROLLING ANIMALS PURSUANT TO THE MUNICIPAL GOVERNMENT ACT, BEING CHAPTER M-26 OF THE REVISED STATUTES OF ALBERTA 2000 AND AMENDMENTS THERETO;

WHEREAS the Municipal District of Bighorn No. 8 deems it proper and expedient to license, control and regulate dogs and other domestic animals within specified areas of the Municipality;;

NOW THEREFORE the Municipal Council of the Corporation of the Muncipal District of Bighorn No. 8 in the Province of Alberta, duly assembled, hereby enacts as follows:

### 1. TITLE

This Bylaw may be cited as the “Domestic Animal Control Bylaw”.

### 2. DEFINITIONS, INTERPRETATION AND APPLICATION

For the purposes of this Bylaw, the following terms, phrases, words and their derivatives shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular, and words in the singular include the plural. The word “shall” is always mandatory and not merely directory. In this Bylaw, unless the context otherwise requires, the following definitions, interpretations and applications shall be used:

- (a) “Agriculture Working Dogs” means dogs that are actively used in agricultural operations on a consistent basis; e.g., herd or herd guard dogs
- (b) “Animal”, means a species kept in a domestic situation that escapes or is allowed to go free;
- (c) “Animal Control Officer”, means a person engaged by the Municipality to carry out the provisions of this Bylaw; and includes a Municipal Enforcement Officer duly contracted by the Municipality, a Peace Officer as defined under the Police Act;
- (d) “At Large” includes:

[1] a dog or domestic animal, when at any other place other than the Property of the Owner that is not, at all times, under the control of the Owner or a

person capable of exercising and maintaining control of that dog or domestic animal; or

[2] a dog or domestic animal which, although under the control of the owner or a person capable of exercising and maintaining control of that dog or domestic animal, causes damage or injury to people, public or private property or other domestic animals or wildlife.

- (e) “Bait” means any food, waste, salt lick, pet food or any other substance that may or does attract domestic animals or wildlife;
- (f) “cat” or “cats” means either the male or female of any domesticated feline species;
- (g) “Chief Administrative Officer” means the Chief Administrative Officer for the Municipal District of Bighorn No. 8 or his or her designate;
- (h) “Children” means any person under the age of majority;
- (i) “collar” shall mean any device made of leather, chain, or other sufficient material capable of having metal tags securely fastened to it, and designed and solely intended to be worn around the neck of a dog;
- (j) “Controlled Confinement” means when a domestic animal is confined in a pen, cage or building or securely tethered in a manner that will not allow that domestic animal to bite or harm any person, domestic animal or wildlife;
- (k) “Council” means the Council of the Municipal District of Bighorn No. 8;
- (l) “Damage to Private Property” includes defecating or urinating on such Property;
- (m) “day” means a continuous period of twenty-four (24) hours;
- (n) “dog” or “dogs” means either the male or female dog, spayed or neutered or bitch or male intact of any domesticated canine species, and includes a vicious dog;
- (o) “domestic animal” includes:
  - [1] an animal that has been domesticated for agricultural use; and shall include, but not be limited to, pigs, sheep, goats, cows, horses, and poultry;
  - [2] an animal that has been domesticated and kept as a pet; and shall include, but not be limited to, rabbits and pigeons;
  - [3] a cat; and

[4] a dog

- (p) “Effective Area” means the area within the M.D. of Bighorn to which this Bylaw applies as set out in Schedule "C" of this Bylaw; and as may be added to or deleted from by Resolution of the Municipal Council of the M.D. of Bighorn No. 8;
- (q) “Forms” means those notices or documents described in Schedule "A" as established from time to time by Resolution of the Municipal Council of the M.D. of Bighorn No. 8;
- (r) “Fees” means those amounts set from time to time by M.D. of Bighorn Council Resolution as penalties or costs and contained in Schedule "B" of this Bylaw;
- (s) “Kennel (commercial)” means the keeping on a lot, for any purpose, of four (4) or more dogs not provided for under the definition of “Kennel (private)”. This definition does not apply to “agricultural working dogs”.
- (t) “Kennel (private)” means the keeping, for any purpose, of four (4) or more dogs on a lot by the occupant of a dwelling located on that lot, all of the dogs of which are owned by the occupant. This definition does not apply to “agricultural working dogs”.
- (u) “Land Use Bylaw” means the Municipal District of Bighorn No.8 Land Use Bylaw No. 19/96, and any Amendments thereto;
- (v) “License” means a License issued under this Bylaw;
- (w) “License Fee” means the fee payable to License a dog under this Bylaw, for the License period;
- (x) “License Period” means the period of either one calendar year, or any portion thereof, whichever is requested by an Owner of a dog;
- (y) “License Tag” means a metal identification tag issued by the Municipality showing the License number for a specific dog;
- (z) “Licensed and Neutered/Spayed Dog” means a dog that has been surgically altered so offspring may not be produced;
- (aa) “Medical Officer of Health” means a person designated by the Regional Health Authority or designated by the Minister under the Public Health Act as a Medical Officer of Health;
- (bb) “Motor Vehicle” means a vehicle propelled by any power other than muscular power;

- (cc) “Municipality” means the corporation of the Municipal District of Bighorn No. 8 or the area contained within the borders thereof;
- (dd) “Owner” includes;
- [1] a person who has possession or control of a Domestic animal;
  - [2] a person who owns or who claims any proprietary interest in a Domestic animal;
  - [3] a person who harbors, suffers or permits a Domestic animal to be present on any property owned or under his/her control;
  - [4] a person who claims and receives a Domestic animal from the custody of a Shelter or an Animal Control Officer; or
  - [5] a person to whom a License tag was issued for a Dog in accordance with this Bylaw;
- (ee) “Park” shall mean an area within the Municipality’s Hamlets, including vegetation and improvements located therein, over which the Municipality exercises control; and as so as to not restrict the generality of the foregoing, includes:
- [1] any median strips, boulevards and traffic islands;
  - [2] any land designated Municipal Reserve, School Reserve, Environmental Reserve, or otherwise designated for use as a public park;
  - [3] any land placed under the jurisdiction of the Chief Administrative Officer or his designate; and
  - [4] joint use school grounds;
- (ff) “Peace Officer” means a Special Constable duly appointed pursuant to the Police Act, R.S.A. 1988, c-P-12.01, and contracted by the Municipality;
- (gg) “Permitted Leash” means a leash, of no more than three (3) metres in length, which is sufficient to control a dog;
- (hh) “Previous Owner” means the person who at the time of impoundment was the Owner of an Animal which has subsequently been sold or destroyed;
- (ii) “Prohibited Animal” means: a cow, goat, rabbit, pig or sheep; a chicken (or other poultry), pigeon, duck or goose; or any wildlife.

- (jj) “Private Property” means any land, other than Public Property and includes all buildings, chattels and fixtures located thereon;
- (kk) “Public Property” means any land owned by or under the direction, management and control of the Municipality, other than Private Property, and includes all buildings, chattels and fixtures located thereon.
- (ll) “Secure Enclosure” means a building, cage or fenced area of such construction that will not allow the confined Domestic animals to jump, climb, dig or force their way out, or allow entry of Children;
- (mm) “Serious Wound” means an injury resulting from a Domestic animal bite which causes the skin to be broken or the flesh to be torn;
- (nn) “Threaten” is defined as any action by a Dog which includes baring of teeth, growling, biting, or making aggressive movements such as circling and/or lunging;
- (oo) “Trapping Device” means a device used to capture a Domestic animal and includes a leg hold, killing trap, snare or any other equipment used as a trap; but does not include humane live traps as authorized by the Municipality;
- (pp) “Shelter” shall mean the designated location which the Council has established for the impounding and keeping of Dogs and Domestic animals found at large within the effective areas of the Municipality;
- (qq) “Unlicensed Dog” means either the male or female of any domesticated canine species, which is not the holder of a valid License issued by the Municipality;
- (rr) “Unsanitary Condition” means an excessive accumulation of fecal matter, an objectionable odor, or insect or rodent infestation that is, in the opinion of the Medical Officer of Health, a danger or potential danger, to the health, comfort or well being of any Domestic animal or person;
- (ss) “Vicious Dog” includes any Dog which
  - [1] has a known propensity, tendency or disposition to attack, without provocation, other Domestic animals, Wildlife or persons;
  - [2] has, without provocation, inflicted a Serious Wound upon another Domestic animal, Wildlife or a person;
  - [3] has been the subject of an order of direction of a Justice, under the Dangerous Dogs Act, Chapter D-3, R.S.A. 1980.

- (tt) “Violation Tag” means a tag or similar document issued by the Municipality pursuant to the Municipal Government Act, Chapter M-26, R.S.A. 2000 and amendments thereto.
- (uu) “Violation Ticket” means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act, , C. P-21.5, R.S.A. 1997 and amendments thereto, and regulations thereunder;
- (vv) “Wildlife” includes big game, birds of prey, fur-bearing animals, migratory game birds, non-game animals, non-License animals and upland game birds, and includes any hybrid offspring resulting from the crossing of two wild animals.

### **3. LICENSING PROVISIONS**

- (a) An Owner of a dog or dogs, resident within the effective areas, must apply for an annual License for each dog owned and shall pay an annual fee for said License as set out in this Bylaw; except for the following:
  - [1] Notwithstanding any other provision of this Bylaw, where the Chief Administrative Officer or his Designate is satisfied that a person who is blind or whose vision is impaired is the Owner of the Dog trained and used as a guide Dog, there shall be no fee payable by the owner for a License for said Dog;
  - [2] An Owner of a Dog that is less than six (6) months old is not required to obtain a License until that Dog becomes six (6) months of age, at which time the Owner of such dog must obtain a License for the dog for the License period, pursuant to this Bylaw.
- (b) Where a Dog becomes six (6) months of age or becomes a resident of the Municipality, within the effective areas, after September 1<sup>st</sup> in any year, the License fee payable for any such Dog shall be one half of the fee set out in this Bylaw, for the remainder of the said calendar year.
- (c) An Owner of a Dog must provide the following information with each application for a License in order to determine the License fee payable by that Owner:
  - [1] his/her name, telephone number (home, business and cellular) and street address/ mailing address of the Owner;
  - [2] the name and description of the Dog to be Licensed;
  - [3] the breed or breeds of the Dog;
  - [4] the Dog’s age;

- [5] a certificate from a Veterinary Surgeon indicating that the Dog has been neutered/spayed, or proof of same, to the satisfaction of the Chief Administrative Officer;
  - [6] registration tattoos and/or microchip information; and
  - [7] such other information as may be required by the Chief Administrative Officer in respect to the application.
- (d) The Owner of a Dog shall:
- [1] obtain the annual License for it on or before the first day when the Municipality's office is open for business after the New Year's Day in every year;
  - [2] obtain a License for it on the first day when the Municipality's office is open for business after the Dog becomes six months of age;
  - [3] obtain a License on the first day on which the Municipality's office is open for business after he becomes Owner of the Dog;
  - [4] obtain a License for a Dog notwithstanding that it is under the age of six (6) months, when the dog is found at large;
- (e) The Owner of a Dog must produce a declaration or other documentation, acceptable to the Animal Control Officer or the Chief Administrative Officer, verifying the information referred to in Section 3(d) of this Bylaw, if required to do so by an Animal Control Officer or the Chief Administrative Officer.
- (f) Upon payment of the License Fee, and providing the information required under Section 3(d) of this Bylaw, the Owner of a Dog will be supplied with a License Tag having a number which will remain registered to that Dog for the License Period.
- (g) Every Owner of a Dog must ensure that the License Tag is securely fastened to a choke chain, collar or harness, to be worn by the Dog at all times.
- (h) The Owner of a Dog must forthwith obtain a replacement License Tag in the event that the License Tag issued to that Owner for that Dog is lost. The Owner shall present the receipt for payment of the current year's License fee to the Chief Administrative Officer or his designate, who will issue a new tag to the Owner at no charge.
- (i) The provisions of Sections 3(a) – (h) inclusive of this Bylaw will not apply to:

- [1] holders of a valid development permit, issued pursuant to the Land Use Bylaw, authorizing operation of a Kennel (commercial); or
  - [2] disabled people holding an identification card proving ownership of a guide Dog for their use.
- (j) Where a License Fee has been paid by cheque, the License is:
- [1] issued subject to the cheque being honoured by the financial institution against which it is drawn; and
  - [2] automatically suspended if the cheque is not honoured until the License Fee is paid.
- (k) An Animal Control Officer may, having reasonable cause to do so by following and documenting all the preset criteria in the Bylaw definitions, declare a Dog to be a Vicious Dog, and must so inform the Owner of that Dog in writing. In such event, the License issued to that Dog will be deemed cancelled upon receipt, by the Owner, of that notice, and that Owner must forthwith obtain a Dangerous Dog License for that dog, as per Schedule A.

**4. RESPONSIBILITY OF DOMESTIC ANIMAL OWNERS AND OTHER PERSONS**

- (a) An Owner is responsible for his/her Domestic animal at all times, irrespective of whether the Owner is in actual control of his/her domestic animal, and any person who is in control of that Domestic animal, other than the Owner, is presumed to be in control of that Domestic animal with the permission of that Owner.

In this Bylaw, a person will be deemed in possession of a Domestic animal if that person has the physical or effective control of the Domestic animal, notwithstanding that person having given such control to another person for a period of time. In the event that two or more people have the physical or effective control of a Domestic animal, that Domestic animal will be deemed to be in possession of both of them.

- (b) An Owner shall ensure that the Animal is not At Large at any time.
- (c) An Owner shall have taken all reasonable precautions either:
- [1] to secure the Animal so that it would not be able to leave the premises of the Owner; or
  - [2] to ensure himself that the Animal was under constant supervision of person competent to control it at all times when it was off the premises of the Owner.

- (d) Within the Hamlets of Dead Man's Flats, Harvie Heights, and Lac Des Arcs, An Owner shall ensure that, at any time the Dog is on any Public or Private Property (other than the Property of the Owner) such Dog must be on a Permitted Leash controlled by the Owner, or a person capable of maintaining control of that Dog at all times;
- (e) An Owner must ensure that his/her Animal does not, at any time;
  - [1] attack any person;
  - [2] threaten any person;
  - [3] chase a Motor Vehicle;
  - [4] chase any person on bicycle, horseback, or while walking or running;
  - [5] attack, harass, injure or kill another Domestic animal, Prohibited Animal, Wildlife or person;
  - [6] keep a female Dog which is in season at any location where the female Dog is a source of attraction of other Dogs;
  - [7] ensure that such Animal does not go into any flower beds of any park and or into or upon the lands of any cemetery within the effective areas of the Municipality; or
  - [8] upset any waste receptacles or scatter the contents thereof either in or about any street, lane, Park, Public Property Area or upon other property;
  - [9] remain unattended in any Motor Vehicle unless the Domestic animal is restricted so as to prevent access to individuals, provided that at all times the Domestic animal has sufficient ventilation.
- (f) An Owner of an Animal which is found upsetting waste receptacles or scattering the contents thereof either in or about a highway, street, lane or other public property or in or about premises not belonging to or in the possession of the owner of the animal is guilty of an offense and upon summary conviction thereof shall, in addition to any penalty imposed upon him, be civilly liable in connection with the receptacle being upset or the waste scattered abroad, and the costs incurred in remedial work.
- (g) No Owner will permit or allow his/her Animal to bark or howl excessively or otherwise disturb the quiet or repose of any person at any time. No person will be charged with this offense unless the complainant is willing and able to give statements and testimony in any court proceedings arising from the charge or if in the opinion of a peace officer an offence has occurred.

- (h) No Owner will permit or allow his Domestic animal to cause damage to Public or Private Property.
- (i) An Owner, whose Domestic animal defecates on any Private or Public Property, other than the Property of the Owner, must ensure that such defecation is removed immediately, and placed into a waste receptacle.
- (j) No Owner of a Dog will permit his Dog to be in an area where the presence of Dogs, whether At Large or under control, is prohibited.
- (k) No Owner of a Dog will permit or allow his Dog to be in a Park where Dogs are prohibited.
- (l) No Owner shall transfer or allow to be transferred a Dog License from the Dog for which it was purchased, to any other Dog.
- (m) No person will interfere with, hinder or impede an Animal Control Officer in the performance of any duty by that Animal Control Officer under this Bylaw;
- (n) The Municipality may post signs indicating Public Property within the Municipality where Dogs are not permitted. On Public Property where Dogs are permitted, an Owner of a Dog must, at all times;
  - [1] supervise and control the Dog,
  - [2] ensure that the Dog is within range of audible commands;
  - [3] ensure that the Dog comes when called;
  - [4] ensure that the Dog does not chase, bother, interfere with, attack or kill any Wildlife;
  - [5] ensure that the Dog(s) are on leash at all times when in designated wildlife corridors as per the Land Use Bylaw;
  - [6] ensure that the Dog does not chase, bother, interfere or attack or kill a Domestic animal;
  - [7] ensure that the Dog does not upset any waste receptacles or scatter the contents thereof either in or about any street, lane, Park, or Public or Private Property.
- (o) No person may, at any time, own or have in his possession a Prohibited Animal, unless otherwise authorized under the Land Use Bylaw.
- (p) No person, other than an Animal Control Officer, may use, suffer or permit any person to use or attempt to use a Trapping Device to trap any Domestic animal.

- (q) No person, other than an Animal Control Officer, may bait any animal, or attempt, suffer or permit any person to bait any animal.
- (r) No person, without the express or implied permission of the Owner, shall untie, loosen or otherwise free a Domestic animal from any restraint, nor negligently or willfully open or leave open a gate door or other opening in a fence or enclosure in which a Domestic animal has been confined.
- (s) No person shall give false information to the Municipality when applying for a Dog License.
- (t) No person shall tease, torment or annoy an Animal.
- (u) No person whether or not he is the Owner of an Animal which is being or has been pursued or captured shall:
  - [1] interfere with or attempt to obstruct an Animal Control Officer who is attempting to capture or who has captured an Animal which is subject to being impounded pursuant to the provisions of this Bylaw;
  - [2] induce the Animal to enter a house or other place where it may be safe from capture or otherwise assist the Animal to escape capture;
  - [3] falsely represent himself as being in charge or control of an Animal so as to establish that the Animal is not at large; or
  - [4] unlock or unlatch or otherwise open the vehicle used in controlling or transporting the said Animal so as to allow or attempt to allow any Animal to escape therefrom.

## **5. VICIOUS DOG PROVISIONS**

- (a) A Owner of a Vicious Dog must ensure that:
  - [1] If such Dog is on any Public or Private Property, other than the Property of the Owner, such Dog is at all times muzzled and on a Permitted Leash controlled by the Owner, or a person capable of maintaining control of that Dog at all times;
  - [2] such Dog, at all times, while on Property of the Owner, is confined within a Secure Enclosure and is not allowed out of such Secure Enclosure unless such Dog is muzzled and on a Permitted Leash held and controlled by the Owner or a person capable of maintaining control of that Dog at all times;

- (b) The Chief Administrative Office may require the Owner of a Vicious Dog to post a sign at the entrance to his property stating "Vicious Dog".

**6. CONTROLLED CONFINEMENT: RABIES, COMMUNICABLE DISEASES OR QUARANTINE PROVISIONS**

- (a) A person or Domestic animal which has received a Serious Wound and the Owner of a Dog which has inflicted the Serious Wound, must promptly report the Dog to an Animal Control Officer who may thereupon place the Dog under Controlled Confinement.

The Dog must not be released from such Controlled Confinement except by written permission of a Licensed Veterinarian. At the discretion of the Animal Control Officer, such Controlled Confinement may be on the Property of the Shelter. In the case of stray Dogs whose ownership is not known, such Controlled Confinement must be at the Shelter.

- (b) Upon demand made by an Animal Control Officer, the Owner must forthwith surrender for quarantine, any Dog which has inflicted a Serious Wound to a person, or any Dog which the Animal Control Officer has reasonable and probable grounds to suspect of having been exposed to rabies.

Pursuant to confinement of thirty (30) days and certification by a Licenced Veterinarian, the Dog may be reclaimed by the Owner if adjudged free of rabies, upon payment of confinement expenses outlined in Schedule "B" and upon compliance with the licensing provisions of this Bylaw.

- (c) In the event of an outbreak or a threatened outbreak of rabies or any disease affecting Dogs which may be transmitted to human beings, Council may, by resolution, order and direct that all Dogs must be securely tied up on their Property of the Owner or must be otherwise effectively confined and prevented from leaving such Property of the Owner. Any Dog found in contravention of this Section may be impounded, and at the discretion of the Animal Control Officer may be quarantined.
- (d) When a Dog under quarantine has been diagnosed as rabid, or suspected by a Licensed Veterinarian as being rabid, and dies while under such observation, the Animal Control Officer may immediately arrange to have the head of such Dog removed, sent to the appropriate laboratory for a pathological examination, and may provide the Medical Officer of Health for the Municipality with the names of human contacts, the particulars of the suspect Dog, and any other information required by the Medical Officer of Health for the Municipality.
- (e) Except as herein provided, no person must kill, or cause to be killed, any rabid Dog, and any Dog suspected of having been exposed to rabies, or any Dog which has bitten a person or Domestic animal, without immediately thereafter

notifying the Animal Control Officer, nor remove such Dog from the Municipality without written permission from the Animal Control Officer.

- (f) The carcass of any Dog exposed to rabies must, upon demand, be surrendered to the Animal Control Officer.

**7. POWERS: ANIMAL CONTROL OFFICERS**

- (a) An Animal Control Officer is authorized to capture and impound any Domestic animal which is At Large. The Animal Control Officer is further authorized to take such reasonable measures as necessary to subdue any Domestic animal, including the use of tranquilizer equipment and materials. If any Domestic animal is injured, the Animal Control Officer may, without liability to or recourse from the Owner, and in the sole and absolute discretion of the Animal Control Officer, take the Domestic animal to a Veterinarian for treatment and then to the Shelter, the costs of all of which will be borne by the Owner.
- (b) An Animal Control Officer or any person authorized by this Bylaw to enforce the provisions contained herein and who is delegated the authority of a designated officer under MGA, may enter onto land for the purpose of pursuit, capture and restraint of any Domestic animal found At Large, or for the purpose of observation, investigation or enforcement of this Bylaw,
  - [1] after reasonable notice to the Property Owner or occupier; or
  - [2] with the consent of the Property Owner or occupier; or
  - [3] without reasonable notice or the consent of the Property Owner or occupier in the event of an emergency or in extraordinary circumstances.
- (c) An Animal Control Officer may assist in the capture of any Domestic animal through the use of humane live capture traps and also may provide such traps to complainants on the terms set out by the Chief Administrative Officer or the Animal Control Officer.
- (d) All impounded Domestic animals may be kept in the Shelter for a period of seventy-two (72) hours; Sundays and Statutory holidays must not be included in the computation of the seventy-two (72) hour period. During this period, any Domestic animal may be redeemed by its Owner, except as otherwise provided in this Bylaw, upon payment to the Municipality of:
  - [1] the impoundment fee as set out in Schedule “B” to this Bylaw;
  - [2] The License Fee if necessary; and
  - [3] the cost of any Veterinary Treatment incurred in relation to the Domestic animal.

- (e) At the expiration of the seventy-two (72) hour period, as prescribed in Section 7(d) of this Bylaw, the Municipality is authorized to:
  - [1] offer the Domestic animal for sale;
  - [2] destroy the Domestic animal in a humane manner;
  - [3] allow the Domestic animal to be redeemed by its Owner in accordance with the provisions of Section 7(d) of this Bylaw; or
  - [4] continue to impound the Domestic animal for an indefinite period of time or for such further period of time as the Animal Control Officer, in his or her discretion, may decide. The Owner will be liable to pay the Municipality all of the costs incurred by the Municipality under this Bylaw in respect of such actions.
- (f) When the Animal Control Officer decides that an Animal is to be euthanized, the Previous Owner shall be responsible for any and all associated costs of euthanasia.

## **8. NOTIFICATION**

- (a) If the Animal Control Officer knows or can ascertain the name of the Owner of any impounded Animal, he shall serve the Owner with a copy of the notice in the appropriate schedule of this Bylaw, either personally or by leaving or mailing it to the last known address of the Owner;
- (b) An Owner of an Animal to whom a notice is mailed pursuant to the provisions of this Bylaw is deemed to have received a notice within forty-eight (48) hours of the time it is mailed.

## **9. RECLAIMING**

- (a) The Owner of any impounded Animal may reclaim the Animal from the place of impoundment by paying the person in authority the fees as set out in this bylaw and by obtaining a License for such Animal should a License be required under this bylaw.

## **10. PENALTIES**

- (a) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to penalty as set out in Schedule "B". Penalties specified in Schedule "B" are minimum penalties for the purposes of this Bylaw.
- (b) Where an Animal Control Officer believes that a person has contravened any provision of this Bylaw, he may serve upon such person a violation ticket, a

violation tag, or a notice as provided by this Bylaw either personally or by mailing or leaving the same at his/her last known address and such service shall be adequate for the purpose of this Bylaw;

- (c) Notwithstanding Section 12(a).of this Bylaw, any person who commits a second or subsequent offence under this Bylaw within one (1) year of committing the first offence will be liable to a fine of not less than the sum as set out in Schedule “B”.
- (d) Notwithstanding Section 12(a) of this Bylaw, any person who contravenes any provision of this Bylaw in a wildlife co-corridor will be liable to a fine of not less than the sum as set out in Schedule “B”.
- (e) Under no circumstances will any person contravening any provision of this Bylaw be subject to the penalty of imprisonment.
- (f) In addition to the penalty provided for under Schedule “B”, the Court may order the person to comply with this Bylaw.
- (g) Upon production of a tag or notice issued pursuant to this Bylaw within ten (10) days from the issue thereof, together with payment of the penalty as specified, to the designated cashier of the Municipality, the person to whom the tag or notice was issued shall not be liable for prosecution for the contravention in respect of which the tag or notice was issued.
- (h) Notwithstanding the provisions of this Bylaw, a person to whom a tag or notice has been issued pursuant to this Bylaw may exercise his right to defend any charge of committing a contravention of any of the provisions of this Bylaw.

## **11. SUMMARY CONVICTION**

- (a) Any person who contravenes any provision of this Bylaw is guilty of an offense and is liable on summary conviction to a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00).
- (b) The levying and payment of any fine provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which he is liable under the provisions of this Bylaw.
- (c) A provincial judge, in addition to the penalties provided in this Bylaw, may if he considers the offense sufficiently serious, direct or order the person that owns, keeps, maintains or harbours an Animal to stop the Animal from doing mischief or causing the disturbance or nuisance complained of, or to have the Animal removed from the Municipality or have the Animal destroyed.

## **12. VIOLATION TAGS**

- (a) An Animal Control Officer is hereby authorized and empowered to issue a Violation Tag to any person, who the Animal Control Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw;
- (b) A Violation Tag may be issued to such person:
  - [1] by personal service on that person; or
  - [2] by mailing a copy of such person at the last known post office address or the address listed on the License form held by the Municipality.
- (c) A Violation Tag must be in a form approved by the Chief Administrative Officer and must state:
  - [1] the name of the Owner;
  - [2] the offence;
  - [3] the appropriate penalty for the offence as specified in Schedule “B”;
  - [4] that the penalty must be paid within 30 days of the issuance of the Violation Tag;
  - [5] any other information as may be required by the Chief Administrative Officer.
- (d) Where a contravention of this Bylaw is of a continuing nature, the Animal Control Officer may issue further Violation Tags, provided however, that no more than one Violation Tag must be issued for each day that the contravention continues.
- (e) Where a Violation Tag is issued, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Municipality the penalty specified on the Violation Tag.
- (f) Nothing in this Bylaw must prevent an Animal Control Officer from immediately issuing a Violation Ticket.

## **13. VIOLATION TICKET**

- (a) In those cases where a Violation Tag has been issued and the penalty specified on a Violation Tag has not been paid within the prescribed time, the Animal Control Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, R.S.A. 1988, C. P-21.5 as amended.

- (b) Notwithstanding Section 10(a) of this Bylaw, an Animal Control Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, SA 1988, C. P-21.5, as amended, to any person who the Animal Control Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

**14. SEVERABILITY PROVISION**

- (a) Should any provision of this Bylaw be invalid, then such invalid provision will be severed from this Bylaw and such severance will not affect the validity of the remaining portions of this Bylaw, except to the extent necessary to give effect to such severance.

**15. REPEAL OF PREVIOUS BYLAWS**

- (a) Bylaw 19/93 and all amendments thereto are hereby repealed.

**16. EFFECTIVE DATE**

- (a) This Bylaw shall come into force and take effect on the day of third and final reading thereof.

READ A FIRST TIME THIS 10<sup>th</sup> DAY OF MAY, 2005

READ A SECOND TIME THIS 13<sup>th</sup> DAY OF SEPTEMBER, 2005

READ A THIRD TIME AND FINALLY PASSED ON THE 13<sup>th</sup> DAY OF SEPTEMBER, 2005

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**REEVE**

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**MUNICIPAL SECRETARY**

**SCHEDULE "A"**  
**BYLAW 06/05**

**THE FORMS OUTLINED BELOW AS ESTABLISHED OR AMENDED BY  
RESOLUTION OF MUNICIPAL COUNCIL OF THE M.D. OF BIGHORN NO. 8  
SHALL FORM PART OF THE BYLAW**

**NOTICE**

YOU ARE HEREBY NOTIFIED THAT AN ANIMAL BEARING LICENSE  
NO. \_\_\_\_\_ FOR 20\_\_\_\_ REGISTERED UNDER THE NAME AND ADDRESS AS

\_\_\_\_\_  
PURSUANT TO THE PROVISIONS OF BYLAW 06/05 OF THE MUNICIPAL DISTRICT  
OF BIGHORN NO. 8 AND THAT UNLESS THE SAID ANIMAL IS CLAIMED AND ALL  
IMPOUNDMENT CHARGES ARE PAID ON OR BEFORE  
\_\_\_\_\_A.D.,20\_\_, THE SAID ANIMAL WILL BE SOLD OR  
DESTROYED OR OTHERWISE DISPOSED OF PURSUANT TO THE SAID BYLAW

**SCHEDULE "B"**  
**BYLAW 06/05**

**FEES & PENALTIES**

**THE FEES AND PENALTIES LISTED BELOW FORM PART OF THE BYLAW;  
THE FEES MAY BE AMENDED BY RESOLUTION OF MUNICIPAL COUNCIL OF  
THE M.D. OF BIGHORN NO. 8.**

**A. License Fees for Dogs**

Dog License (annual ): regular male or female	\$100.00
Dog License (annual): neutered or spayed	\$ 20.00
<i>Vicious (Dangerous) Dog</i>	\$300.00
Hobby Breeders License (annual):	\$250.00

**B. Impoundment Fees:**

Impoundment Fee	\$100.00
Care & Sustenance (per day or portion thereof)	\$ 30.00
Destruction of Dog	\$ 50.00
Veterinary Fees	as expended

**C. Specified Penalty**

<b>Section</b>	<b>Offence (Brief Description)</b>	<b>Amount</b>
	Failure to be the holder of a valid License	\$ 75.00
	Failure to License dog as Dangerous	\$500.00
	Failure to ensure that a collar and tag are worn	\$ 25.00
	Running at Large – first offence	\$100.00
	Running at Large – second offence	\$150.00
	Running at Large – third offence	\$200.00
	Domestic animal – attacking any person	\$750.00
	Dog Not Leashed	\$100.00 *
	Threatening any person	\$150.00
	Chasing motor vehicle	\$ 75.00
	Chasing any person on bicycle, horseback or while walking or running	\$100.00
	Attacking, harassing, injuring or killing Domestic animals, Prohibited Animal or Wildlife	\$250.00
	Upset waste receptacles	\$100.00
	Failure to confine and house a female in heat	\$100.00
	Barking or howling	\$ 75.00
	Damaging Public or Private Property	\$ 75.00
	Failure to keep property in a clean and sanitary condition	\$ 75.00
	Dog in an area where prohibited by sign	\$150.00
	Domestic animal in park where prohibited by sign	\$150.00
	Interference with enforcement of this Bylaw	\$250.00
	Dog not adequately supervised	\$100.00
	Dog chases, harasses or kills Wildlife	\$250.00
	Dog outside of range of audible commands	\$100.00
	Dog fails to come when called	\$100.00

Dog chases, bothers, interferes, or attacks any Domestic animal	\$250.00
Ownership of a Prohibited Animal	\$125.00
Use of a Trapping Device	\$100.00
Use of Bait	\$250.00
Failure to control off Property of the Owner- Vicious Dog	\$200.00
Failure to confine or muzzle a Vicious Dog	\$200.00
Failure to Post Sign "Vicious Dog"	\$ 50.00
Attacking any person	\$1,000.00
Threatening any person	\$300.00
Chasing a Motor Vehicle	\$150.00
Chasing any person on bicycle, etc.	\$200.00
Attacking, harassing, injuring etc.	\$500.00
Public Nuisance	\$250.00
Parks & Cemetery	\$250.00
Defecating	\$250.00
False Information	\$500.00
No License	\$150.00
Obstruction	\$500.00
Negligence	\$500.00
Torment	\$500.00

(\* applicable in Dead Man's Flats, Harvie Heights and Lac Des Arcs only)

***Any infractions of this bylaw in a wildlife corridor double the fines as stated in this bylaw and schedule***

**SCHEDULE "C"  
BYLAW 06/05**

**EFFECTIVE AREAS**

**(1) THIS BYLAW IS EFFECTIVE IN THE AREAS OF THE M.D. OF BIGHORN NO. 8 AS NOTED BELOW AND AS AMENDED FROM TIME TO TIME BY RESOLUTION OF THE M.D. OF BIGHORN COUNCIL:**

<b>DEAD MAN'S FLATS</b>	<b>-</b>	<b>WITHIN THE HAMLET BOUNDARIES AS SHOWN ON THE ATTACHED MAP.</b>
<b>HARVIE HEIGHTS</b>	<b>-</b>	<b>WITHIN THE HAMLET BOUNDARIES AS SHOWN ON THE ATTACHED MAP.</b>
<b>LAC DES ARCS</b>	<b>-</b>	<b>WITHIN THE HAMLET BOUNDARIES AS SHOWN ON THE ATTACHED MAP.</b>
<b>EXSHAW</b>	<b>-</b>	<b>WITHIN THE HAMLET BOUNDARIES AS SHOWN ON THE ATTACHED MAP.</b>

**(2) THE PROVISIONS OF SECTION 4 OF THIS BYLAW (RESPONSIBILITY OF DOMESTIC ANIMAL OWNERS AND OTHER PERSONS) ARE EFFECTIVE IN ALL AREAS OF THE M.D. OF BIGHORN NO. 8, UNLESS OTHERWISE NOTED.**