

**BY-LAW NO. 985
MUNICIPAL DISTRICT OF STARLAND NO. 47
IN THE PROVINCE OF ALBERTA, CANADA**

A By-law of the Municipal District of Starland No. 47 in the Province of Alberta to provide for the licensing, regulating and confinement of dogs.

WHEREAS, by virtue of the power conferred on it by the Municipal Government Act, S.A. 1994, C. M-26.1, as amended, the Council of the Municipal District of Starland No. 47, in the Province of Alberta, duly assembled, enacts as follows:

SECTION 1 - SHORT TITLE

1.1 This By-law may be cited as the "Dog Control By-law" of the Municipal District of Starland No. 47.

SECTION 2 - DEFINITIONS

2.1 "At Large" means where a Dog is at any place other than the Owner's Property or Permitted Property and is not being carried by any person or is not otherwise restrained by a Permitted Leash held by a person, and that Permitted Leash is attached to a choke chain, collar or harness securely holding that Dog.

2.2 "Controlled Confinement" means the confinement of a Dog in a pen, cage or building or securely tethered in a manner that will not allow the Dog to bite, harm or harass any person or animal.

2.3 "Damage to Property" means damage to property other than the Owner's Property, and includes defecating or urinating on such property.

2.4 "Dog" means either the male or female of any domesticated canine species.

2.5 "Dog Control Officer" means a By-law Enforcement Officer appointed by the Municipal District to do any act or perform any duties under this By-law and includes a member of the Royal Canadian Mounted Police, an independent contractor who is under contract with the Municipal District to provide bylaw enforcement services and, when authorized, a Special Constable.

2.6 "Dog Fancier's License" means a license issued by the Municipal District to a person who is an Owner of three or more Dogs in accordance with the Section 3.14 and 3.15 of this By-law.

2.7 "Dog Fancier's License Fee" means the applicable annual fee payable in respect of a Dog Fancier's License as set out in Schedule "A" of this By-law.

2.8 "License" means a Dog License issued by the Municipal District in accordance with the provisions of this By-law.

2.9 "License Fee" means the applicable annual fee payable in respect of a License for any particular Dog as set out in Schedule "A" of this By-law.

2.10 "License Tag" means an identification tag issued by the Municipal District showing the license number for a specific Dog.

2.11 "Municipal District" means that portion of the Municipal District of Starland No. 47 contained within the boundaries of the Hamlets of Rumsey, Michichi and Craigmyle as defined by By-law No. 985 or the municipal corporation of the Municipal District of Starland No. 47, as the context requires.

2.12 "Owner" means:

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- 2.12.1 a person who has the care, charge, custody, possession or control of a Dog;
- 2.12.2 a person who owns or who claims any proprietary interest in a Dog;
- 2.12.3 a person who harbours, suffers or permits a Dog to be present on any property owned, occupied or leased by him, or which is otherwise under his control;
- 2.12.4 a person who claims and receives a Dog from the custody of the Dog Shelter or a Dog Control Officer; or
- 2.12.5 a person to whom a License Tag was issued for a Dog in accordance with this By-law;

and for the purposes of this By-law a Dog may have more than one (1) Owner.

2.13 "Owner's Property" means any property in which the Owner of a Dog has a legal or equitable interest or over which the Owner of a Dog has been given the control or use of, by the legal or equitable owner of the property, and which property shall include, without limiting the generality of the foregoing, land, buildings and vehicles.

2.14 "Permitted Leash" means a leash adequate to control the Dog to which it is attached, and which leash shall not exceed three (3) metres in length.

2.15 "Permitted Property" means private property upon which the Owner of a Dog has the express permission of the owner of that property to allow the Owner's Dog to be At Large thereon.

2.16 "Replacement License Tag" means a License Tag issued to replace a lost or damaged License Tag pursuant to Section 3.9 of this By-law.

2.17 "Serious Wound" means an injury to a human or animal resulting from a Dog bite which causes the skin to be broken or flesh to be torn.

2.18 "Dog Shelter" means premises designated by the Municipal District for the impoundment and care of Dogs and includes premises supplied by an independent contractor under contract with the Municipal District to provide such premises.

2.19 "Violation Tag" means a tag or similar document issued by the Municipal District pursuant to Section 7 of the Municipal Government Act, S.A. 1994, c. M-26-1, as amended.

2.20 "Violation Ticket" means a ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act, S.A. 1988, c. P-21.5, as amended, and Regulations thereunder.

SECTION 3 - LICENSING PROVISIONS

3.1 Every person who:

3.1.1 on January 1st in any given year, is the Owner of a Dog which is three (3) months of age or older, shall obtain a License for that Dog by submitting an application to the Municipal District Office, and paying the applicable License Fee as set out in Schedule "A" of this By-law by no later than January 31st of that same year;

3.1.2 on January 1st in any given year, is the Owner of a Dog which is less than three (3) months of age, shall obtain, within fifteen (15) calendar days of that Dog reaching the age of three months, a License for that Dog by submitting an application to

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the Municipal District Office, and paying the applicable License Fee as set out in Schedule "A" of this By-law;

3.1.3 becomes the Owner of a Dog after January 1st in any given year, shall obtain a License for that Dog, by submitting an application to the Municipal District Office, and paying the applicable License Fee as set out in Schedule "A" of this By-law, within fifteen (15) calendar days of:

(a) becoming the Owner of that Dog if the Dog is three (3) months of age or older; or

(b) that Dog reaching three (3) months of age, if the Dog is less than three (3) months of age at the time when the person becomes the Owner;

3.1.4 who takes up residence within the Municipal District after January 1st in any given year and is the Owner of a Dog shall obtain a License for that dog, by submitting an application to the Municipal District Office, and paying the applicable License Fee as set out in Schedule "A" of this By-law, within fifteen (15) calendar days of:

(a) taking up residence in the Municipal District if the Dog is three (3) months of age or older; or

(b) that Dog reaching three (3) months of age, if the Dog is less than three (3) months of age at the time when the person takes up residence within the Municipal District.

3.2 An Owner of a Dog which is unlicensed is guilty of an offence.

3.3 An Owner shall provide the following information with each application for a License or Dog Fancier's License:

3.3.1 Name, telephone number, and legal address of the Owner;

3.3.2 Name and description of the Dog or Dogs to be licensed;

3.3.3 The breed or breeds of the Dog or Dogs to be licensed;

3.3.4 The birth date and age of the Dog or Dogs at the time of application for a License or Dog Fancier's License; and

3.3.5 Such other information as may be required by the Municipal District or Dog Control Officer in respect of the application for a License or Dog Fancier's License.

3.4 Any person who provides the Municipal District with false or misleading information with respect to the information required in Section 3.3 of this By-law is guilty of an offence.

3.5 A License or Dog Fancier's License issued under this By-law shall not be transferable from one Dog to another, nor from one Owner to another.

3.6 Upon payment of the required License Fee and providing the information set out in Section 3.3 of this By-law, the Owner will be supplied with a License Tag which shall have a number registered to that Dog.

3.7 An Owner shall ensure that the License Tag is securely fastened to a choke chain, collar or harness worn by the Dog, with the License Tag to be worn by the Dog at all times when the Dog is on other than the Owner's Property.

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3.8 An Owner of a licensed Dog is guilty of an offence if that Dog is not wearing a License Tag while that Dog is on property other than the Owner's Property.

3.9 An Owner of a Dog which has been duly licensed under this By-law, may obtain a Replacement License Tag for one which has been lost, upon payment of the Replacement License Tag fee as set out in Schedule "A" of this By-law.

3.10 The provisions of Section 3.1 to 3.9 shall not apply to persons temporarily visiting in the Municipal District for a period not exceeding four (4) weeks.

3.11 No person is entitled to a refund or a rebate for any License Fee or Dog Fancier's License Fee.

3.12 Where a License Fee or Dog Fancier's License Fee has been paid by cheque, the License or Dog Fancier's License, as the case may be, is:

3.12.1 issued subject to the cheque being honoured by the financial institution against which it is drawn; and

3.12.2 automatically suspended if the cheque is not honoured until such time as the applicable License Fee or Dog Fancier's License Fee has been paid.

3.13 No person shall be the Owner of three (3) or more Dogs at any given time unless expressly permitted pursuant to Section 3.14 and 3.15 of this By-law, and where not expressly permitted, any person who is the Owner of three (3) or more Dogs shall be guilty of an offence.

3.14 Any person who has been issued, and is in possession of a valid Dog Fancier's License shall be entitled to be the Owner of three (3) or more Dogs within the Municipal District.

3.15 A Dog Fancier's License may be issued by the Municipal District to any person applying for such Dog Fancier's License upon such person complying with the following conditions:

3.15.1 Providing the Municipal District with the information required in Section 3.3 of this By-law;

3.15.2 Payment to the Municipal District of an annual Dog Fancier's License Fee as set out in Schedule "A" of this By-law;

3.15.3 A valid Dog License must have been issued for each Dog owned by the person applying for the Dog Fancier's License; and

3.15.4 The Municipal District may in its sole discretion revoke the Dog Fancier's License upon thirty (30) days written notice to the holder of the Dog Fancier's License.

3.16 Every License or Dog Fancier's License shall expire on December 31st in the year in which it was issued.

SECTION 4 - DOG CONTROL PROVISIONS

4.1 An Owner whose Dog is At Large is guilty of an offense.

4.2 An Owner whose Dog barks or howls thereby disturbing the quiet or repose of any person is guilty of an offense.

4.3 An Owner whose Dog has caused Damage to Property within the Municipal District is guilty of an offence;

4.4 The Municipal District may post signs in areas where Dogs are not permitted, and an Owner whose Dog is in an area where a sign prohibits the presence of Dogs, is guilty of an offence regardless of whether or not such Dog is At Large.

4.5 An Owner of a Dog is guilty of an Offence if such Dog:

4.5.1 bites, attacks, threatens, harasses, barks at, chases, kills, or injures any person including, but not limited to, when such person is on bicycle, horse-back or while walking or running;

4.5.2 bites, attacks, threatens, harasses, barks at, chases, kills, or injures any livestock, poultry, or pets belonging to other persons; or

4.5.3 bites, barks at, or chases any vehicle.

4.6 If a Dog defecates on property which is not the Owner's Property, the Owner shall cause such defecation to be removed immediately and disposed of in a sanitary manner, and failure to do so means that the Owner is guilty of an offence.

4.7 An Owner of a female Dog is guilty of an offence if the Owner of such female Dog does not keep it housed and confined in a building or kennel during the entire period such female Dog is in heat except that the female Dog may be allowed outside any such building or kennel for a reasonable period for the sole purpose of eliminating on the Owner's Property.

4.8 No person shall tease, torment, annoy, abuse or injure any Dog, and any person who does so is guilty of an offence.

4.9 Subject to Section 4.10 of this By-law, no person shall kill any Dog, and any person who does so is guilty of an offence.

4.10 Section 4.9 of this By-law shall not apply to a Dog Control Officer acting pursuant to Section 6.3 of this By-law, or to a registered veterinarian or anyone killing a Dog under the direction of a registered veterinarian.

4.11 No person shall untie, loosen or otherwise free a Dog which is not in distress unless such person has the authorization of the Owner, and any person acting contrary to this Section is guilty of an offence.

4.12 No person shall interfere with, hinder or impede a Dog Control Officer in the performance of any duty authorized by this By-law, and any person who does so is guilty of an offence.

SECTION 5 - CONTROLLED CONFINEMENT

5.1 A person who has received a Serious Wound or the Owner of any livestock, poultry or pets which have received a Serious Wound and the Owner of a Dog which has inflicted the Serious Wound shall promptly report the Dog to a Dog Control Officer who may thereupon place the Dog under Controlled Confinement and the Dog shall not be released from such Controlled Confinement except by written permission of a registered veterinarian. At the discretion of the Dog Control Officer, such Controlled Confinement may be on the premises of the Owner, a registered veterinarian within the Municipal District, or the Dog Shelter. In the case of stray Dogs whose ownership is not known, such Controlled Confinement shall be at the Dog Shelter.

5.2 Upon demand made by the Dog Control Officer, the Owner shall forthwith surrender for quarantine, any Dog which has inflicted a Serious Wound to any person, or any Dog which the Dog Control Officer has reasonable and probable grounds to suspect of having been exposed to rabies, and the Dog may be reclaimed by the Owner if adjudged free of rabies, upon payment of confinement expenses and upon compliance with the licensing provisions of this By-law.

SECTION 6 - POWERS OF A DOG CONTROL OFFICER

6.1 A Dog Control Officer is authorized to capture and impound in the Dog Shelter, any Dog which is At Large. The Dog Control Officer is further authorized to take such reasonable measures as are necessary to subdue any Dog which is At Large, including the use of tranquillizer equipment and materials. If any such Dog is injured, it may be taken to a registered veterinarian for treatment and then to the Dog Shelter.

6.2 An impounded Dog may be kept in the Dog Shelter for a period of ninety-six (96) hours. Sundays and Statutory Holidays shall not be included in the computation of the ninety-six (96) hour period. During this period, any Dog may be redeemed by its Owner, except as otherwise provided in this By-law, upon payment to the Municipal District or its authorized agent of:

- 6.2.1 The appropriate impoundment fee as set out in Schedule "A" of this By-law;
- 6.2.2 The appropriate License Fee when the Dog is not licensed; and
- 6.2.3 The cost of any veterinary treatment to relieve pain or bleeding of any Dog that is found to be injured when picked up or injured in the process of capture.

6.3 At the expiration of the ninety-six (96) hour period as prescribed in Section 6.2 of this By-law, the Dog Control Officer is authorized to:

- 6.3.1 Offer the Dog for sale;
- 6.3.2 Destroy the Dog in a humane manner;
- 6.3.3 Allow the Dog to be redeemed by its Owner in accordance with the provisions of Section 6.2, herein; or
- 6.3.4 Continue to impound the Dog for an indefinite period of time or for such further period of time as the Dog Control Officer, in his discretion, may decide.

SECTION 7 - PENALTIES

7.1 Any person who contravenes any provision of this By-law is guilty of an offence and is liable to a penalty as set out in Schedule "B" of this By-law.

7.2 Notwithstanding Section 7.1 of this By-law, any person who commits a second offence under this By-law within one (1) year of committing the first offence may be liable to a fine of not less than nor more than the sum as set out in Schedule "B" of this By-law, while any person who commits a third or subsequent offence under this By-law within one (1) year of committing the first offence may be liable to a fine of not less than nor more than the sum as set out in Schedule "B" of this By-law.

7.3 Under no circumstance shall any person contravening any provision of this By-law be subject to the penalty of imprisonment.

SECTION 8 - VIOLATION TAG

8.1 A Dog Control Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Dog Control Officer has reasonable and probable grounds to believe has contravened any provision in this By-law.

8.2 A Violation Tag may be issued to such person:

- 8.2.1 either personally;

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- 8.2.2 by mailing a copy to such person at his last known post office address; or
- 8.2.3 upon retrieval of such person's Dog from the Dog Shelter.
- 8.3 The Violation Tag shall be in a form approved by the Municipal District and shall state:
- 8.3.1 the name of the Owner;
- 8.3.2 the offence;
- 8.3.3 the appropriate penalty for the offence as specified in Schedule "B" of this By-law;
- 8.3.4 that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag; and
- 8.3.5 any other information as may be required by the Municipal District.
- 8.4 Where a contravention of this By-law is of a continuing nature, further Violation Tags may be issued by the Dog Control Officer, provided however, that no more than one Violation Tag shall be issued for each day that the Contravention continues.
- 8.5 Where a Violation Tag is issued pursuant to Section 8.1 or 8.4 of this By-law, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Municipal District the penalty specified on the Violation Tag.
- 8.6 Nothing in this By-law shall prevent a Dog Control Officer from immediately issuing a Violation Ticket.

SECTION 9 - VIOLATION TICKET

- 9.1 In those cases where a Violation Tag has been issued and if the penalty specified on a Violation Tag has not been paid within the prescribed time, then a Dog Control Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the Provincial Offences Procedure Act, S.A. 1988, c.P-21.5, as amended.
- 9.2 Notwithstanding Section 9.1 of this By-law, a Dog Control Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part 2 of the Provincial Offences Procedure Act, S.A. 1988, c.P-21.5, as amended, to any person who the Dog Control Officer has reasonable grounds to believe has contravened any provision of this By-law, and the Dog Control Officer need not first issue a Violation Tag for a contravention of any provision of this By-law.

SECTION 10 - SEVERABILITY

- 10.1 Should any provision of this By-law be invalid, then such invalid provision may be severed and the remaining By-law shall be maintained.

SECTION 11 - EFFECTIVE DATE

- 11.1 This By-law shall come into effect on June 1st, 1995.
- Read a first time this 10th day of January, 1995.
- Read a second time this 13th day of February, 1995.
- Read a third time and finally passed this 13th day of February, 1995.



Reeve - Arthur H. Grenville



Municipal Administrator - Ross D. Rawlusyk

SCHEDULE "A"

FEES

1. License Fee for each neutered Dog: *\$ 10.00*
2. License Fee for each unaltered Dog: *\$ 20.00*

NOTE: The prorating of License Fees may be applied for #1 and #2 as set out in #3 below.

3. Applications for Licenses made between:
 - (a) January 1 and August 31 in any given year shall be subject to the complete License Fee as set out in #1 and #2 above.
 - (b) September 1 and December 31 in any given year may be subject to a charge of one-half ($\frac{1}{2}$) of the complete License Fee set out in #1 and #2 above.
4. Replacement License Tag Fee: *\$ 5.00*
5. Dog Fancier's License Fee:
 - (a) if a person is the Owner of three (3) Dogs: *\$ 30.00*
 - (b) if a person is the Owner of four (4) Dogs: *\$ 40.00*
 - (c) if a person is the Owner of five (5) or more Dogs: *\$ 50.00*

NOTE: Payment of the Dog Fancier's License Fee is in addition to the payment required for any License Fees.

6. Impoundment Fees (as set by Contractor):
 - (a) Licensed Dogs: *\$ 17.00/day*
 - (b) Unlicensed Dogs: *\$ 17.00/day*

SCHEDULE "B"**PENALTIES**

Section Number	Offence (Description)	Violation Tag (Early Payment) Penalties	Violation Ticket Penalties
3.2	Owner of an unlicensed Dog	\$ 40.00	\$ 50.00
3.4	Providing false or misleading information	\$ 40.00	\$ 50.00
3.8	Owner of a licensed Dog not wearing License Tag while off the Owner's Property	\$ 40.00	\$ 50.00
3.13	Owner of three (3) or more Dogs without a valid Dog Fancier's License	\$ 50.00	\$ 75.00
4.1	Owner of a Dog at Large:		
	(a) Unlicensed Dog	\$ 75.00	\$ 100.00
	(b) Licensed Dog	\$ 50.00	\$ 75.00
4.2	Owner of a Dog which barks or howls thereby disturbing the quiet or repose of any person	\$ 100.00	\$ 200.00
4.3	Owner of a Dog which caused Damage to Property	\$ 100.00	\$ 200.00
4.4	Owner of a Dog which is present in an area where the presence of Dogs is prohibited by sign	\$ 40.00	\$ 50.00

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Section Number	Offence (Description)	Violation Tag (Early Payment) Penalties	Violation Ticket Penalties
4.5.1	Owner of a Dog which bites, attacks , threatens, harasses, barks at, chases, kills, or injures any person	\$ 200.00	\$ 250.00
4.5.2	Owner of a Dog which bites, attacks, threatens, harasses, barks at, chases, kills or injures any livestock, poultry or pets belonging to other persons	\$ 100.00	\$ 200.00
4.5.3	Owner of a Dog which bites, barks at, or chases any vehicle	\$ 100.00	\$ 200.00
4.6	Failure of Owner to remove defecation immediately from property which is not the Owner's property	\$ 40.00	\$ 50.00
4.7	Failure of Owner to keep a female Dog in heat housed and confined to building or kennel	\$ 40.00	\$ 50.00
4.8	Teasing, tormenting, annoying, abusing, or injuring any Dog	\$ 40.00	\$ 50.00
4.9	Killing any Dog	\$ 100.00	\$ 200.00
4.11	Untying, loosening or otherwise freeing a Dog without the Owner's authorization	\$ 40.00	\$ 50.00
4.12	Interfering with, impeding or hindering a Dog Control Officer's enforcement of this By-law	\$ 200.00	\$ 250.00

SCHEDULE "B" - PENALTIES

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Section Number	Offence (Description)	Violation Tag (Early Payment) Penalties	Violation Ticket Penalties
7.2	Second offence within one year of the first offence	Double the amount of the specified penalty prescribed for a first offence	Double the amount of the specified penalty prescribed for a first offence
7.2	Third or subsequent offence within one year of the first offence	Triple the amount of the specified penalty prescribed for a first offence	Triple the amount of the specified penalty prescribed for a first offence
8.0	An offence for which a penalty is not otherwise provided in Schedule "B" of this By-law	\$ 40.00	\$ 50.00