

## MUNICIPAL DISTRICT OF BIG LAKES

### BY-LAW NO. 28-2007

**Being a by-law of the Municipal District of Big Lakes, in the Province of Alberta, for the purpose of restraining and regulating the running at large of dogs in the Municipal District.**

WHEREAS the Municipal Government Act, RSA 2000 Chapter M-26, Part 2, Bylaws Part 1, Section 7, and amendments thereto, empowers a council to pass by-laws 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 Big Lakes;

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

1. This by-law may be cited as the Municipal District of Big Lakes Animal Control By-Law.
2. In this By-Law,
  - (1) "M.D." means the Municipal District of Big Lakes.
  - (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 By-Law, the Shelter Officer, a Community Peace Officer appointed for the Municipal District or a member of the RCMP.
  - (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.
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. their 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 Big Lakes" 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
  - (a) dies
  - (b) leaves the M.D. or
  - (c) 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) causes injury or death to another domestic animal, or
  - (4) is apparently infected with rabies, or any other contagious disease or infection and is not under a veterinarian's care, or
  - (5) causes damage to private or public property within the M.D., or
  - (6) whether under leash, immediate and effective control or not,
    - (a) is named or described or otherwise designated in a complaint made under the provisions of the Dangerous Dogs Act or Stray Animals Act, or
    - (b) is the subject of a complaint located within the boundaries of a Hamlet as creating a nuisance by barking, howling or otherwise disturbing the peace between the hours of 11:00 p.m. and 7:00 a.m., or
    - (c) who has been injured or is vicious, endangering personnel in the carrying out of their duties,

may be captured by the Enforcement Officer, after which it shall be dealt with in a manner as directed by the Enforcement Officer.
9. Before an owner can redeem an impounded dog, he shall pay to Municipal District of Big Lakes 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. The animal may be released to the owner during normal business hours of the animal shelter.
10. Any dog, licensed or unlicensed, not redeemed from the animal shelter within three business days, shall become the property of the Municipal District.

11. The Enforcement Officer shall:

- (1) forthwith after impoundment of any dog, notify the owner, if ascertainable, of such impoundment,
- (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,
- (4) make a monthly report to the M.D. of impoundments,
- (5) be empowered to destroy a dog, or direct a dog to be destroyed.

12. No person shall:

- (1) Interfere with or attempt to obstruct an Enforcement Officer who is attempting to capture or who has captured any dog in accordance with this By-Law.
- (2) 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.
- (3) Falsely represent themselves 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 By-Law.
- (4) Unlock or unlatch or otherwise open the cage, trap or vehicle in which a dog has been trapped or placed, so as to allow or attempt to allow a dog or dogs to escape.
- (5) Unlawfully remove a dog from the possession of the shelter officer.
- (6) Leave, drop off or otherwise turn loose any dog, regardless of who the owner is, in any location of the Municipal District, with the intent of abandonment towards the dog.

13. Any owner who contravenes any provisions of this By-Law or allows his or her dog to act in a manner so as to make it subject to impoundment under the provision of this By-Law is guilty of an offense and liable upon summary conviction in addition to any fees payable by reason of impoundment, to a fine not more than ten thousand dollars (\$10,000) and costs, and in default of payment of such fine and costs, to imprisonment for a period of not more than one year, but in no case shall such penalty be less than that which would have been specified upon voluntary payment.

14. In lieu of being prosecuted, a person who has contravened any provision of sections 3,4,5, or 8 of this By-Law may elect to voluntarily pay a fine in respect to the contravention, in which case the fine shall be:

- (1) One Hundred Dollars (\$100.00) for the first offense;
- (2) Two Hundred Dollars (\$200.00) for the second and subsequent offenses;

15. In lieu of being prosecuted, a person who has contravened any provision of section 12 of this By-Law may elect to voluntarily pay a fine in respect to the contravention, in which case the fine shall be:

(1) Two Hundred and Fifty Dollars (\$250.00) for the first offence;

(2) Five Hundred Dollars (\$500.00) for the second and subsequent offenses:

Should the person wish the benefit of a Court Appearance to contest the allegation of contravening this By-Law, the Enforcement Officer shall issue a Violation Ticket as proscribed by the Provincial Offences Procedure Act, and the dog may be kept under seizure until all matters dealing with the charge are resolved.

16. This By-Law hereby rescinds all previous Municipal District of Big Lakes dog or animal control by-laws.

17. That this By-Law shall come into force and effect upon final passing.

Read a first time this 8<sup>th</sup> day of August, A.D., 2007

And a second time this 8<sup>th</sup> day of August, A.D., 2007

Read a third time and finally passed this 22<sup>nd</sup> day of August, A.D., 2007

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Reeve

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Chief Administrative Officer

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Date of Final Signature