BYLAW NO. 1265

A Bylaw of the Municipal District of Wainwright No. 61, in the Province of Alberta, to provide for the regulating, controlling and confinement of dogs.

WHEREAS: Pursuant to the provisions of Section 164 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 1980 with amendments, a Municipal Council may pass bylaws for regulating and controlling animals.

AND WHEREAS: The Council of the Municipal District No. 61 deems it necessary to provide for the regulating, control and confinement of dogs Running at Large within the M.D.

NOW THEREFORE: The Council of the Municipal District of Wainwright No. 61 in the Province of Alberta, duly assembled, hereby enacts the following:

1. TITLE

    This Bylaw shall be known as the "Dog Control Bylaw".

2. DEFINITIONS:

    (a) "Dog Control Officer" means any member of the Royal Canadian Mounted Police or person appointed by the M.D. Council to carry out the provisions of this bylaw.

    (b) "Normal Working Hours" means the office hours of the M.D., being 8:30 a.m. - 12:00 p.m. and 1:00 p.m. - 4:30 p.m., Monday to Friday, excluding statutory holidays.

    (c) "Pound" means a place or facility designated by the M.D. Council for the purpose of holding and caring for any dogs impounded under provisions of this bylaw.

    (d) "Poundkeeper" means the owner or operator of the pound.

    (e) "Owner" means:

        (i) a person who has the care, charge, custody, possession or control of a dog;

        (ii) a person who owns or harbours a dog;

        (iii) a person who claims and receives a dog from the pound.

    (f) "Running at Large" means:

        (i) a dog that is off the property of its owner, and

        (ii) is not on a leash, and

        (iii) is not under the immediate, continuous and effective control of its owner.

    (g) "M.D." means the Municipal District of Wainwright No. 61.

3. REGULATIONS:

    (a) No dog shall be allowed to run at large in the M.D.

    (b) No person shall interfere or attempt to obstruct a Dog Control Officer or anyone who is attempting to capture or who has captured a dog which is being impounded pursuant to the provisions of this bylaw.

4. CAPTURE AND IMPOUNDMENT:

    (a) The Dog Control Officer or any person may capture and impound any dog running at large contrary to any provision of this bylaw.

    (b) When necessary, the Dog Control Officer or any person, may, in attempting to capture a dog found to be incontravention of this bylaw, employ the use of bait or any device or other suitable means to apprehend the dog, provided that:

        (i) it is not prohibited by law; and

(ii) it is employed with due respect for humaneness to the dog.

(c) Where a dog is on any private property or premises without the permission of the owner or occupant, the Dog Control Officer or any person enforcing this bylaw, may, with the permission of the owner or occupant, enter such property or premises to apprehend the dog.

5. RECLAIMING OF IMPOUNDED DOG:

(a) An impounded dog may be kept at the pound for a period of three days (Sundays and statutory holidays not included). During this period, the owner may reclaim the dog by paying the M.D., during normal working hours, an impoundment fee and boarding fee as set out in Schedule "B" of this bylaw, and by paying the Poundkeeper directly any Veterinarian fees incurred during the impoundment.

(b) Any dog not reclaimed by the owner within a period of three (3) days from the date of the impoundment, (Sundays and statutory holidays not included) may be sold by the Poundkeeper.

(c) Any dog not reclaimed by the owner with a period of three (3) days (Sundays and statutory holidays not included) from the date of the impoundment, or sold by the poundkeeper, shall become the property of the M.D. who will then instruct the Poundkeeper to destroy or otherwise dispose of the dog with no liability to the owner for the said disposition.

6. VIOLATION TAG:

(a) The Dog Control Officer or the M.D. Municipal Administrator is hereby authorized and empowered to issue a Violation Tag to any person the Dog Control Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.

(b) The Violation Tag shall state:

(i) the name and address of the offender if ascertainable;

(ii) the offence;

(iii) the appropriate penalty for the offence as specified in Schedule "A" of this bylaw; an

(iv) that the penalty shall be paid within 30 days of the issuance of the Violation Tag.

(c) The Violation Tag may be issued to such person:

(i) either personally;

(ii) by mailing a copy to such person at their last known address; or,

(iii) upon retrieval of such persons dog from the Pound.

7. VIOLATION TICKET:

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 II of the Provincial Offences Procedure Act.

8. PENALTIES:

(a) Any person who contravenes any provision of this bylaw is guilty of an offence and is liable to a fine of not more than TWO THOUSAND, FIVE HUNDRED DOLLARS ($2500.00).

(b) In lieu of prosecution, a person who has contravened any provision of this bylaw, may, within 30 day of the issuance of a Violation Tag, elect to voluntarily pay a penalty as set out in Schedule "A" of this bylaw.
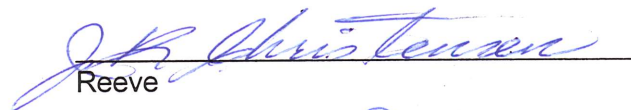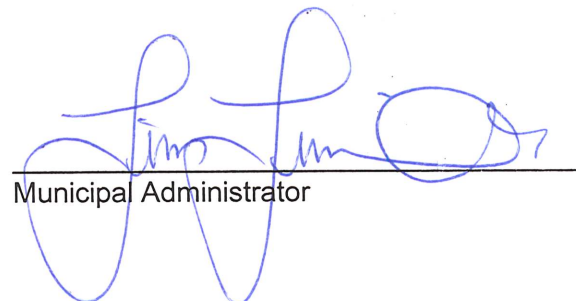
9. SEVERABILITY PROVISION:

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

Bylaw No. 1251 is hereby repealed.

Received First and Second Reading this 19th day of April, 1994.

Received Third and Final Reading this 17th day of May, 1994.

_____
Reeve

_____
Municipal Administrator

SCHEDULE "A"
PENALTIES

Permitting a dog to run at large: $ 50.00

Interfering with enforcement of this bylaw: $ 50.00

Second or subsequent offence within a twelve month period: $100.00

SCHEDULE "B"
FEES

Impoundment Fee: $ 50.00

Boarding Fee: $5.00 day for each day of impoundment