



**BYLAW No. 18-799
OF THE MUNICIPAL DISTRICT OF GREENVIEW No. 16**

**A Bylaw of the Municipal District of Greenview No. 16, in the Province of
Alberta, to provide for the regulation and control of Dogs, Cats and other Animals in the Animal
Pound.**

WHEREAS, the *Municipal Government Act*, R.S.A 2000, c. M-26 of Alberta, authorizes a Municipality to pass bylaws respecting the safety, health and welfare of people and the protection of people and property and respecting domestic animals and activities relating to them;

AND WHEREAS, the *Municipal Government Act*, R.S.A 2000, c. M-26, authorizes a municipality to pass bylaws regulating and controlling dogs, cats, and other animals.

THEREFORE the Council of the Municipal District of Greenview No. 16, in the Province of Alberta, duly assembled, enacts as follows:

1 Short Title

1.1 This Bylaw may be referred to as the *“Animal Control Bylaw”*.

2 Definitions

- 2.1 **Animal** means any domestic Animal or small household pet including exotic pets, and shall not include domestic or wild birds, wildlife or Livestock.
- 2.2 **Assistance Dog** means any professionally trained Dog that works in partnership with a person to increase their independence, safety or mobility.
- 2.3 **Attack** means an assault resulting in bleeding, bone breakage, sprains, abrasions, bruising.
- 2.4 **Barking** means howling, whining, whimpering, baying or barking.
- 2.5 **Bite** means a wound to the skin causing an abrasion, bruising, puncture or break.
- 2.6 **Cat** means either a male or female domestic Cat of any breed.
- 2.7 **Controlled Confinement** means when an order under “Schedule B” or “Schedule C” is issued by a Peace Officer to confine or seize a dog in either a pound facility or at any other location as specified in the order and confined in a pen, cage, or building in a manner that will not allow the dog to bite or harm any person, Animal, or Livestock.
- 2.8 **Day** means a continuous period of twenty-four (24) hours.
- 2.9 **Dog** means either a male or female Dog of any breed.
- 2.10 **Greenview** means the corporate entity of the Municipal District of Greenview No. 16.
- 2.11 **Impounded** means a Dog, Cat or other Animal that has been apprehended, caught, trapped in a live trap, or is otherwise caused to come into the care and custody of the Peace Officer pursuant to an investigation or apparent breach of this Bylaw or other Federal or Provincial Legislation.
- 2.12 **Leash** means any material that is less than two (2) metres in length capable of restraining the Dog on which it is being used.
- 2.13 **Livestock** means alpacas, bison, cattle, donkeys, goats, horses, llamas, mules, sheep and swine.

- 2.14 **Muzzle** means a device of sufficient strength that when placed over a Dog's mouth is capable of preventing it from biting.
- 2.15 **Owner** means the Owner of the Dog, Cat or Animal and includes any person or group of people:
- a. In possession or control of the Dog, Cat or Animal; or
 - b. In possession or control of the property where the Dog, Cat, or Animal appears to reside, either temporarily or permanently.
- 2.16 **Peace Officer** means:
- a. a member of the Royal Canadian Mounted Police;
 - b. a Peace Officer appointed under the Peace Officer Act;
 - c. a person appointed as a Bylaw Enforcement Officer; or
 - d. a Pound Keeper or their designate employed for the purpose of operating the Pound.
- 2.17 **Playground Equipment** means an area containing play equipment, play structure(s) and protective surfacing that is intended for the use of children.
- 2.18 **Posted Area** means an area posted by Greenview with a sign which prohibits dogs from being in the area.
- 2.19 **Pound** means the designated location determined through an agreement between Greenview and the service provider for the confinement of impounded, captured or stray Dogs, Cats or other Animals.
- 2.20 **Running at Large** means an Animal which is off the premises of its Owner and not on a Leash and under the control of a competent person.
- 2.21 **Service Dog** means a Service Dog as defined under the *Service Dog Act*.
- 2.22 **Vicious Dog** means any Dog, whatever its age, whether on public or private property, shows a propensity, disposition or potential to Attack without provocation or a Dog which has:
- a. chased, injured or bitten another Animal, Livestock or human;
 - b. damaged or destroyed public or private property;
 - c. threatened or created reasonable apprehension of a threat or presents a threat of serious harm to any other Animal, Livestock, or human; or,
 - d. has previously been determined to be a Vicious Dog by any other jurisdiction.
- If a Peace Officer determines that a Dog is a Vicious Dog, either through personal observation or, on the basis of facts, determined after an investigation initiated by a complaint, the Officer may declare the Dog to be a Vicious Dog.
- 2.23 **Violation Ticket** means a Violation Ticket as defined by the *Provincial Offenses Procedure Act*.
- 2.24 **Voluntary Payment** means payment pursuant to the *Provincial Offenses Procedure Act*.
- 2.25 **Voluntary Penalty** means a penalty specified in this Bylaw for contravention of a provision of this Bylaw, which the amount may be paid by a person to whom a voluntary payment Violation Ticket was issued.
- 2.26 **Working Dogs** means a dog suitable by training for useful work with livestock, distinguished from one suitable primarily for pet, show, or sporting use.

3 Keeping of Dogs

3.1 Unless a development permit has been issued by Greenview's development authority for the operation of a kennel, the keeping of dogs is permitted provided the number of Dogs does not exceed the following in accordance with Greenview's Land Use Bylaw:

- 3.1.1 Two (2) Dogs over six months of age in Hamlet Residential (HR), Country Residential-2 (CR-2) and Country Residential-3 (CR-3) Districts;
- 3.1.2 Six (6) Dogs over six months of age in all other Districts;
- 3.1.3 Greater than six (6) Working Dogs may be kept on a parcel 32.0 ha (79.0 ac) or greater if a development permit has been issued.

4 Nuisances

4.1 Excessive barking

- 4.1.1 The owner shall ensure their dog does not bark in a manner that is reasonably likely to annoy or disturb the peace or quality of life of others.
- 4.1.2 When a Peace Officer determines whether the barking is reasonably likely to annoy or disturb the peace or quality of life of others, consideration may be given, but is not limited to:
 - a. Proximity of the property where the dog resides;
 - b. Duration of the barking;
 - c. Time of day and day of the week;
 - d. Nature and use of the surrounding area.

4.2 General Domestic Animal Nuisances

- 4.2.1 Other domestic Animals may be apprehended if they are determined, by a Peace Officer, to be causing a general nuisance.

5 Defecation

- 5.1 The Owner shall forthwith remove any defecation left by the Dog on public or private property other than that of the Owner.
- 5.2 The Owner shall ensure that the defecation left by the Dog on the property of the Owner does not accumulate to such an extent that it is reasonably likely to annoy any person by sight or smell.

6 Running at Large

- 6.1 No Owner shall permit a Dog or Cat to be Running at Large within Greenview or within specified areas.
- 6.2 A Dog unattended and tied to any object when off the property of the owner shall be deemed to be Running at Large.

7 Private Property

- 7.1 No Owner shall permit a Dog to trespass on private property whether on or off Leash.

8 Playgrounds/ Posted Areas

- 8.1 An Owner shall not permit a Dog to be on any school property or play area, Playground or posted area.

9 Scattering Garbage

- 9.1 The Owner of a Dog or Cat shall ensure that it does not upset any waste receptacle or scatter garbage on public or private property not belonging to the Owner of the Animal.

10 Threatening Behaviours

- 10.1 The Owner of a Dog shall ensure that the Dog does not:
- 10.1.1 Chase a person, Dog, Cat, Livestock, Animal or any type of vehicle.
 - 10.1.2 Cause damage to property or Dogs, Cats, Livestock, or other Animals.
 - 10.1.3 Attack, Bite or threaten a person, Dog, Cat, Livestock, fowl or Animal.
 - 10.1.4 Cause death to a Dog, Cat,
 - 10.1.5 Cause death to Livestock or other Animal.
- 10.2 A Peace Officer who believes an offence has been committed under section 10.1 may order Controlled Confinement of the Dog.
- 10.3 An Owner shall follow all conditions as stipulated in the Controlled Confinement order.
- 10.4 An Owner shall not use or direct a Dog to attack, chase or threaten a person, Dog, Cat or other domesticated Animal.
- 10.5 Notwithstanding the foregoing, no Owner shall be guilty of an offence in circumstances where a guard dog chases, threatens or attacks any person, Animal or Livestock while any such person, Animal or Livestock is trespassing onto private property.
- 10.6 No owner shall be guilty of an offence in circumstances where a Working Dog is used to herd livestock or protect livestock from predators on or off private property.
- 10.7 No Owner shall be found guilty of an offence in circumstances where a Dog is used to engage in lawful hunting activities.

11 Dog or Cat in Heat

- 11.1 Notwithstanding section 11.2, an Owner of a Dog or Cat in heat shall, during the entire period that the Dog or Cat is in heat, keep the Animal confined in a manner so as not to attract other Dogs or Cats.
- 11.2 Where a Dog or Cat in heat is confined such Animal shall be permitted out of confinement for the sole purpose of permitting such Animal to urinate or defecate.

12 Animal Control Operation- Authority

- 12.1 A Peace Officer may capture, trap or impound any Dog or Cat found Running at Large.
- 12.2 A Peace Officer may enter onto any land in pursuit of a Dog or Cat Running at Large.
- 12.3 A Peace Officer, in any case where the Owner of a Dog or Cat can be identified, may return the Dog or Cat to the Owner where practicable instead of taking the Animal to the Pound.
- 12.4 A Peace Officer may use any humane method to capture the Dog or Cat. Should the Animal be hurt during the attempted capture, neither Greenview nor the Peace Officer shall be held liable for such injury.
- 12.5 A Peace officer may delegate their powers to any person for the purpose of assisting the Peace Officer in the capture of any Animal in contravention of this Bylaw. Any person delegated or assisting a Peace Officer shall not be held liable as per subsection 12.4.
- 12.6 A Peace Officer may seize any Dog that in the opinion of the Peace Officer poses a threat to the public. When the Dog is seized, the Peace Officer may issue a Controlled Confinement order to the Owner of the Dog as seen in "Schedule B."

13 Owner Identification

- 13.1 An Owner of any Animal found in violation of any provisions of this Bylaw shall, upon demand, produce or provide suitable identification to the Peace Officer.
- 13.2 For the purpose of this Bylaw, suitable identification shall mean any document or documents, or verbal communication, verifying the name, date of birth and current address of the owner.

14 Obstruction

14.1 No person shall:

- 14.1.1 Interfere with or attempt to obstruct a Peace Officer who is attempting to capture or has captured an Animal, which is subject to being impounded or seized pursuant to the provisions of this Bylaw.
- 14.1.2 Induce an Animal to enter a house or other place where it may be safe from capture or otherwise assist the Animal to escape capture.
- 14.1.3 Unlock, unlatch or otherwise open a Peace Officer's vehicle to allow or attempt to allow an Animal to escape.
- 14.1.4 Tamper with, unlock, unlatch, or otherwise open a kennel, humane live trap, or any other Animal control equipment.
- 14.1.5 Fail, without lawful excuse, to follow any direction under this Bylaw given by a Peace Officer.

15 Negligence

15.1 No person shall:

- 15.1.1 untie, loosen or otherwise free an Animal which has been tied or otherwise restrained, or
- 15.1.2 negligently or willfully open a gate, door or other opening in a fence or enclosure in which an Animal has been confined thereby allowing the Animal to Run at Large within Greenview.

16 Trapping an Animal

16.1 A person who has humanely trapped an Dog, Cat or other Animal shall:

- 16.1.1 take all reasonable precautions to keep any trapped Dog, Cat or other Animal safe from harm; and
- 16.1.2 notify and surrender a trapped Animal to a Peace Officer, or where applicable, transport the trap and Animal to the Pound for surrender, and

17 Torment

17.1 No person shall tease, torment, annoy or otherwise provoke any Dog, Cat or other Animal.

18 Vicious Dog

18.1 If a Peace Officer determines that a Dog is a Vicious Dog, they may:

- 18.1.1 give the Owner a verbal and/or written order as seen in "Schedule D" that the Dog has been determined to be a Vicious Dog;
- 18.1.2 require the Owner keep the Dog in accordance with the provisions of section 20 of this Bylaw; and
- 18.1.3 under this Bylaw, a Vicious Dog order continues to apply if the Vicious Dog is sold, given, or transferred to a new Owner.

19 Vicious Dog Requirements

- 19.1 The Owner of a Vicious Dog shall take all necessary steps to ensure that the Dog does not bite, chase or attack any person, whether the person is on public or private property, or in a dwelling.
- 19.2 The Owner of a Vicious Dog shall take all necessary steps to ensure that the Dog does not bite, chase or attack any Dog, Cat, or other Animal, whether the Animal is on public or private property, or in a dwelling.
- 19.3 When a Vicious Dog is in the dwelling of its Owner, it shall be restrained or kept confined in such a manner as to prevent the escape of the Dog and to secure the public from harm.
- 19.4 When a Vicious Dog is not in the dwelling of the Owner, it must be confined in a locked pen with a secure bottom effectively attached to the sides, or the sides shall be embedded into the ground to a minimum depth of thirty (30) centimetres. The pen must be located at a point no closer than 1.5 meters to the apparent boundary of the property and approved by a Peace Officer.
- 19.5 When the Vicious Dog is off the premises of the Owner, it shall be securely Muzzled, on a Leash and controlled by the Owner or a competent person capable of controlling the Dog at all times.
- 19.6 The Owner of a Vicious Dog shall notify a Peace Officer immediately if the Dog is Running at Large.

20 Impoundment

- 20.1 A Dog, Cat, or other Animal that is impounded pursuant to this Bylaw may be taken to the Pound and held for a period of five (5) calendar days. Statutory holidays shall not be included in the computation of the five (5) calendar day period.
- 20.2 A Dog, Cat or Animal turned in to the Pound as a found or stray animal may be held for a period of five (5) calendar days. Statutory holidays shall not be included in the computation of the five (5) calendar day period.
- 20.3 A Dog, Cat or other Animal that is impounded or otherwise turned in to the Pound shall be subject to a mandatory reclaim fee plus an additional daily boarding cost as specified by the Pound.
- 20.4 At the end of the impoundment period, the Dog, Cat or other Animal shall become the property of Greenview unless the Owner complies with the following:
 - 20.4.1 Fills out the required reclaim forms fully, and
 - 20.4.2 Pays the required reclaim fees, and
 - 20.4.3 Pays the required daily boarding cost fees.
- 20.5 If all legal requirements have not been met under this Bylaw or any other provincial or federal animal legislation, the Peace Officer will not be required to release the Dog, Cat or other Animal for such a time as the Peace Officer deems necessary.
- 20.6 A Dog that is under a Controlled Confinement order pursuant to this Bylaw may be released back to its Owner upon conclusion of the Peace Officer's investigation provided all the requirements of this Bylaw have been met.
- 20.7 Reclaim and boarding fees may not be charged for a Controlled Confinement Dog.
- 20.8 If the Owner fails to reclaim a Dog that is under a Controlled Confinement order on the expiry of a 10 day period, or sooner under the direction of a Peace Officer, the Dog will revert to impound status and the provisions of section 20.1 will apply.

21 Fines and Penalties

- 21.1 Any person who contravenes the provisions of this Bylaw, or direction given by a Peace Officer pursuant to this Bylaw, is guilty of an offense and may be issued a Violation Ticket.
- 21.2 A person who is guilty of an offense pursuant to this Bylaw is liable upon summary conviction to a fine in an amount not less than fifty (\$50) dollars and not exceeding ten thousand (\$10,000) dollars.
- 21.3 A Provincial Court Judge, Commissioner or Justice, may in addition to the penalties provided in this Bylaw, direct or order the Owner of a Dog to prevent such a Dog from doing mischief or causing a disturbance or a nuisance complained of, or to have the Dog removed from Greenview or destroyed.
- 21.4 Providing no offense has reoccurred against an individual Dog within the previous twelve (12) months, an offense shall be considered to be a first offense unless it is in the public interest pursuant to section 27 of the Provincial Procedure Act.
- 21.5 The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in "Schedule A."

22 Exemptions

- 22.1 This Bylaw does not apply to a service dog or assistance dog while it is in active service.

23 Severability

- 23.1 Each Section of this Bylaw shall be read and construed as being separate and severable from each other Section. Furthermore, should any Section or Part of this Bylaw be found to have been improperly enacted for any reason, then such Section or Part shall be regarded as being severable from the rest of the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.

24 Coming Into Force

Municipal District of Greenview Bylaw 03-408 is hereby repealed.

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

Read a first time this 10th day of September, A.D. 2018.

Read a second time this 9th day of October, A.D. 2018.

Read a third time and passed this 22nd day of October, A.D. 2018.



REEVE



CHIEF ADMINISTRATIVE OFFICER



**Schedule A
Specified Penalties**

Section	Offense (Description)	1st Offense	2nd Offense	3rd Offense
3.2	Keep More than 4 Dogs on land 10 acres or less	200.00	400.00	COURT
4.1	Dog barking disturbing the peace of any person	50.00	100.00	COURT
5.1	Failure to remove defecation forthwith	50.00	100.00	COURT
5.2	Failure to remove defecation from Owner's property	50.00	100.00	COURT
6.1	Allow Dog or Cat to run at large	100.00	200.00	COURT
7.1	Allow a Dog to trespass on private property while on or off Leash	100.00	200.00	COURT
6.2	Unattended Dog left tied whole off property of the owner	100.00	200.00	COURT
8.1	Allow Dog to be on any school property, playground or other posted area.	50.00	100.00	COURT
9.1	Animal Scatter garbage	50.00	100.00	COURT
10.1.1	Chase or bite a person, Dog, Cat, Animal or any vehicle	300.00	600.00	COURT
10.1.2	Cause damage to property, Dog, Cat, Animal or Livestock	300.00	600.00	COURT
10.1.3	Dog Attack, bite or threaten a person, Dog, Cat, Livestock, fowl or other Animal	500.00	1000.00	COURT
10.1.4	Dog cause death to Dog or Cat	500.00	1000.00	COURT
10.1.5	Dog cause death to Livestock or other animal	1500.00	3000.00	COURT
10.3	Owner fail to comply with Controlled Confinement order	500.00	1000.00	COURT
10.4	Owner uses or directs Dog to Attack, chase, threaten a person, Dog, Cat, or other Animal	500.00	1000.00	COURT
11.1	Fail to keep a female Dog or Cat confined while in heat	50.00	100.00	COURT
13.1	Fail to provide suitable identification	50.00	100.00	COURT
14.1.1	Interfere or obstruct a Peace Officer from capturing an Animal	300.00	600.00	COURT
14.1.2	Induce the Animal to enter a house or other place to avoid capture or to allow an Animal to escape	300.00	600.00	COURT
14.1.3	Unlock or unlatch Peace Officer's vehicle	300.00	600.00	COURT
14.1.4	Tamper with, unlock, unlatch or otherwise open a kennel, humane live trap, or any other animal control equipment.	300.00	600.00	COURT
14.1.5	Fail to comply with direction given by a Peace Officer	300.00	600.00	COURT

15.1.1	Untie, loosen or otherwise free an Animal that has been tied or restrained	100.00	200.00	COURT
15.1.2	Open a gate, door or opening of any fence or enclosure where a Dog has been confined	50.00	100.00	COURT
16.1.1	Failure to keep trapped Animal safe from harm	250.00	500.00	COURT
16.1.1	Failure to notify or surrender a trapped Dog, Cat, or other Animal to a Peace Officer	100.00	200.00	COURT
17.1	Tease, torment, annoy, provoke an Animal	200.00	400.00	COURT



Schedule B Controlled Confinement Order

Occurrence #: _____

Confinement Date: _____

Possible Release Date: _____

Date of Incident: _____

Location of Incident: _____

Date AHS Notified: _____

Previous History: **YES/ NO**

Owner Name: _____

Residence: _____

Description of Dog

Name: _____

Breed: _____

Sex: _____

Age: _____

Colour: _____

Phone Number: _____

Secondary Number: _____

Instructions for Confinement:

Under the Municipal District of Greenview Bylaw 18-___ Section ___ a Peace Officer may seize any dog that, in the opinion of the Peace Officer, poses a threat to the public. The dog may be released back to the owner on conclusion of the Peace Officer's investigation provided all requirements have been met.

The owner will not be charged boarding or reclaim fees when a dog is under a controlled confinement order. If the owner fails to reclaim the dog upon the expiry of the release date, the dog will revert to impound status.

Date: _____

Owner Signature: _____ Peace Officer Signature: _____

The personal information requested on this form is being collected due to the required Provincial and Municipal legislation, under the authority of the Freedom of Information and Protection of Privacy (FOIP) Act and is protected by the FOIP Act. If you have any questions about the collection or use of this information, please contact the FOIP Coordinator at 780-524-7600.



Schedule C Home Controlled Confinement Order

Occurrence #: _____

Confinement Date: _____

Possible Release Date: _____

Date of Incident: _____

Location of Incident: _____

Date AHS Notified: _____

Previous History: YES/ NO

Owner Name: _____

Residence: _____

Description of Dog

Name: _____

Breed: _____

Sex: _____

Age: _____

Colour: _____

Phone Number: _____

Secondary Number: _____

Description of Incident:

Under the Municipal District of Greenview Bylaw 18-___ Section __ a Peace Officer may seize any dog that, in the opinion of the Peace Officer, poses a threat to the public. Under specific circumstances, the dog may have a controlled home confinement. During the Peace Officer investigation where a dog is confined such dog shall be permitted outside the home for the sole purpose to urinate or defecate. The dog shall otherwise be restrained or confined in the dwelling of the owner to prevent the escape of the dog and to prevent public harm. Any person who contravenes this order or direction given by a Peace Officer is guilty of an offense and may be issued a violation ticket.

Date: _____

Owner Signature: _____ Peace Officer Signature: _____

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Schedule D Vicious Dog Order

Attention:

Re: Vicious Dog

As a result of an incident that occurred on the _____ day of _____, 20____ concerning your dog, you are hereby advised that your dog is declared a vicious dog as provided by the M.D of Greenview Bylaw 18-____. This order is effective forthwith and requires you to comply with the following provisions of the Bylaw:

Section 20

- a) The owner of a vicious dog shall take all necessary steps to ensure that the dog does not bite, chase or attack any person, whether the person is on public or private property, or in a dwelling.
- b) The owner of a vicious dog shall take all necessary steps to ensure that the dog does not bite, chase or attack any dog, cat, livestock or other animal, whether the animal is on public or private property, or in a dwelling.
- c) When a vicious dog is in the dwelling of its owner, it shall be restrained or kept confined in such a manner as to prevent the escape of the dog and to secure the public from harm.
- d) When a vicious dog is not in the dwelling of the owner, it must be confined in a locked pen with a secure bottom effectively attached to the sides, or the sides shall be embedded into the ground to a minimum depth of thirty (30) centimetres. The pen must be located at a point no closer than 1.5 meters to the apparent boundary of the property.
- e) When the vicious dog is off the premises of the owner, it shall be securely muzzled, on a leash and controlled by the owner or a competent person capable of controlling the dog at all times.
- f) The owner of a vicious dog shall notify a Peace Officer immediately if the dog is running at large.

YOU MUST COMPLY WITH THIS ORDER ON OR BEFORE _____

Please find attached a copy of the M.D of Greenview No. 16 Animal Control Bylaw 18- _____.

The fine for a vicious dog running at large is _____. A fine for vicious dog that bites, chases or attacks an animal is _____. A fine for a vicious dog that bites a person is _____.

Peace Officer Signature: _____ **Date:** _____

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