

**SUMMER VILLAGE OF GRANDVIEW
BYLAW NO. 283**

A BYLAW FOR THE PURPOSE OF REGULATING AND CONTROLLING ANIMALS

WHEREAS, the Municipal Government Act, R.S.A. 2000, Chapter M-26 and amendments thereto, provides that the Council of a Municipality may pass Bylaws for Municipal purposes respecting the safety, health and welfare of people and animals, and the protection of people and property; and

AND WHEREAS the Council of the Summer Village of Grandview deems it advisable to enact such a Bylaw, in order to regulate the control of domestic animals and activities in relation to them and to control nuisances in the Summer Village of Grandview,

NOW THEREFORE, the Council of the Summer Village of Grandview, duly assembled, enacts as follows:

1.) This Bylaw shall be known as the “Animal Control Bylaw.”

2.) In this Bylaw, unless the context otherwise requires:

- a. “Animal” means any mammal (domestic or wild) excluding humans, or any bird, reptile or amphibian.
- b. “Animal Shelter” means a facility and service approved by Council as a facility for the impoundment and care of animals subject to this Bylaw. In this context Animal Shelter may also be referred to as the “Pound”.
- c. “At Large” means an animal is off the property of the owner, is not on a leash or under the immediate, continuous and effective control of the owner or a competent person.
- d. “Bylaw Enforcement Officer”, means a member of the RCMP or Community Peace Officer, or any person as appointed by Council to enforce the provisions of this Bylaw.
- e. “Community Peace Officer” has the same meaning as in the *Provincial Offences Procedure Act*;
- f. “Council” means the Council of the Summer Village of Grandview.
- g. “Large Animal” means an animal weighing more than 10 Kilograms.
- h. “Leash” means a chain or other material that is
 - a) adequate to control the dog to which it is attached; and
 - b) securely attached to the dog by a collar, choke collar or harness.
- i. “Muzzle” means a device of sufficient strength placed over an Animal’s mouth to prevent it from biting.
- j. “Nuisance Animal” is any Animal in respect of which there have been two or more convictions for offences.

- k. "Owner" means any person, partnership, association or corporation:
 - (i) owning, possessing or having custody or control over any animal; or
 - (ii) harbouring any animal, allowing the animal to stay on the premise; or
 - (iii) having licenced the Animal;
- l. "Owners Tag" means a metal tag attached to the collar or a microchip embedded in an animal that identifies the Owner and provides sufficient information to efficiently locate and/or contact the Owner.
- m. "Reserves" means all land areas owned or controlled by the Summer Village, lying within the Summer Village limits, and whether improved in whole or in part, or in its natural state. Reserves includes publicly maintained areas such as parks, playgrounds, natural areas, reserves, pathways and trails administered by the Summer Village, and include all land areas dedicated and reserved for the use, recreation or enjoyment of the public.
- n. "Secure Enclosure" means a cage, pen, building or other structure or fenced area of such construction that will not allow the confined animal(s) to jump, climb, dig or force their way out, or allow the entry of young children.
- o. "Service Dog" means a dog trained as a guide for a disabled person and having the qualifications prescribed by the *Service Dogs Act*,
- p. "Severe Injury" includes any injury resulting in broken bone or bones, disfiguring lacerations, sutures, cosmetic surgery and further includes any other injury as determined to be severe by a Court upon hearing the evidence.
- q. "Vicious (Aggressive) Animal" means an animal with a demonstrated propensity to threaten, attack or injure a person or animal without provocation or an animal which is believed to have exhibited behaviours as identified in Section 4.

3.) Responsibilities of Owner

- a. No Owner shall permit, allow or for any reason have his or her dog at large.
- b. A female dog in heat shall be confined and housed in a Secure Enclosure during the entire period such female dog is in heat, except that the female dog may be allowed outside the Secure Enclosure for a reasonable period for the sole purpose of eliminating on the property of the Owner.
- c. "Stoop – Scoop" If a dog defecates on any public or private property other than the property of its Owner, the Owner shall cause such faeces to be removed immediately.
- d. Residences or grounds where any dogs are kept shall at all times be maintained in a clean, sanitary and inoffensive condition, satisfactory to the Bylaw Enforcement Officer.
- e. An owner of a registered Service dog, or a person being assisted by a registered Service dog, is not subject to the obligations imposed in Subsection (c) and (j).

- f. No Owner shall suffer, permit, allow, or for any reason have his or her dog bark or howl excessively or in any other manner disturb the quiet of any person.
- g. No Owner shall suffer, permit, allow, or for any reason have his or her dog, without provocation, chase, bite, threaten or attack a person or other animal.
- h. No Owner shall suffer, permit, allow or for any reason have his or her animal damage public or private property, or interfere with garbage containment receptacles.
- i. No Owner shall suffer, permit, allow or for any reason have his or her animal on Municipal Property where the Municipality has posted signs indicating that animals are not permitted.
- j. When operating a bicycle, skateboard, in-line skates or non-motorized scooter on a pathway, trail or road, no Person shall do so with a dog or any other animal on a leash.
- k. No more than three (3) dogs shall be permanently harboured, suffered or permitted to remain upon or in any land, house, shelter, room, or place, building, structure, or premises within the Village.
- l. A person who has received an injury and the Owner of an animal which has inflicted an injury, shall promptly report the animal to a Bylaw Enforcement Officer who may thereupon place the animal under Controlled Confinement and the animal shall not be released from such Controlled Confinement except by written permission of a licensed Veterinarian.
- m. The Owner is responsible for ensuring that the dog has an Owner's tag on his collar or a microchip embedded in the animal which will provide the Bylaw Enforcement Officer, Community Peace Officer or Animal Shelter with the ability to efficiently locate or contact the Owner.

4.) Vicious Dogs

- a. A dog will be considered to be vicious if a Bylaw Enforcement Officer /Community Peace Officer believes on reasonable and probable grounds resulting from a complaint investigation that a dog has
 - i. Chased, injured or bitten a person or other animal;
 - ii. Damaged or destroyed any property;
 - iii. Threatened or created the reasonable apprehension of a threat to a person or other animal;
 - iv. Been previously determined to be a Dangerous Dog under the *Dangerous Dogs Act*;
- b. The Owner of a Vicious Dog shall take all necessary steps to ensure that the dog does not bite, chase, threaten, or attack any human or other animal whether the person or animal is on the property of the Owner or not.
- c. If a Vicious Dog bites or attacks a person or animal, the Owner shall be guilty of an offence and subject to a fine under this Bylaw, exclusive of any other civil actions or penalties.

- d. When a Vicious Dog is on the premises of its Owner, it shall be kept confined indoors under the effective control of a person over the age of eighteen (18) years, or confined outdoors in a securely enclosed and locked pen, or other structure constructed and secured in such a fashion as to prevent the escape of the Vicious Dog, and to prevent the entry of persons unauthorized by the Owner. The Development Authority may, at its discretion, require the Owner of the dog which has been deemed Vicious under this bylaw, to post a sign on the Owner's property where best seen, stating the presence of a "Vicious Dog".
- e. When a Vicious Dog is off the premises of the Owner, it shall be securely muzzled, and shall be either harnessed or leashed securely to effectively prevent it from attacking or biting a human or other animal and be under the effective control of a person over the age of eighteen (18) years,
- f. The Owner of a dog, who knows or ought to know the dog is a Vicious Dog, shall keep the Vicious Dog in accordance with the provisions of Section 4 d) and e).
- g. If a Veterinarian, Animal shelter, Community Peace Officer or Bylaw Enforcement Officer determines on reasonable grounds 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, he/she may:
 - i. give the Owner a written notice that the dog has been determined to be a Vicious Dog; and
 - ii. require the Owner to keep such dog in accordance with the provisions of Section 4 d) and e) of this Bylaw upon the Owner's receipt of the notice; and
 - iii. inform the Owner that if the Vicious dog is not kept in accordance with Section 4 d) and e), of this Bylaw, the Owner will be fined, or subject to enforcement action pursuant to this Bylaw.
- h. Where the Owner of a dog that has been determined to be a Vicious Dog produces information to the Bylaw Enforcement Officer that may alter a determination made under Subsection 4 g), the Bylaw Enforcement Officer shall, as soon as is reasonably possible, cause the matter to be reviewed and make a final determination.

5. Offences

- a. The Owner of a dog shall be guilty of an offence if such dog defecates on property other than the property of the Owner, if the Owner fails to immediately remove the defecation.
- b. The Owner shall be considered in contravention of this Bylaw if any dog over the age of three (3) months:
 - i. bites, attacks, threatens, runs at, or attempts to bite, attack or run at any person except if it chases or threatens a trespasser on the property of its owner, or property controlled by him,
 - ii. is actually or apparently infected with rabies, or any other infectious disease and is not under a Veterinarian's care,
 - iii. causes damage to private or public property within the Summer Village including interference with Garbage containment receptacles
 - iv. is running at large

- v. is chasing or barks at any automobile, bicycle or other vehicle,
- vi. worries or annoys any other animal,
- vii. whether under leash, immediate and effective control or not, is the subject of a complaint by a person as creating a nuisance by barking, howling or otherwise disturbing any person at any time of day or night.

6. Impoundment

- a. Animal Shelter personnel, a Community Peace Officer or Bylaw Enforcement Officer may seize and impound:
 - i. every dog at large;
 - ii. every dog found on "No Dog" posted Reserves;
 - iii. every female dog in heat not confined, housed or kennelled as required under section 3 b).

- b. In addition to the remedies set forth in this Bylaw, if the Animal Shelter, a Community Peace Officer or Bylaw Enforcement Officer determines that a Vicious Dog is not being kept in accordance with this Bylaw, he or she may:
 - i. direct that such dog be controlled in accordance with this Bylaw, or be removed from the Summer Village; or
 - ii. make a complaint pursuant to the *Dangerous Dogs Act*, Chapter D-3, RSA 2000 and amendments thereto, for an order directing the dog be controlled or destroyed.

- c. In enforcement of the jurisdiction provided in Sections 4 c), d), e) and f), and Section 6 a), but for the purpose of investigation only, the Animal Shelter, a Community Peace Officer or Bylaw Enforcement Officer is hereby authorized to enter any privately owned premises at reasonable times, provided, that in this Section "premises" does not include the building used as a dwelling.

- d. The Animal Shelter, a Community Peace Officer or Bylaw Enforcement Officer shall:
 - i. make arrangements to deliver or have picked up, any dog that is to be impounded and taken to the Animal Shelter.
 - ii. the Owner shall be responsible for all costs and fees charged by the Animal Shelter.
 - iii. the Summer Village shall advise the Animal Shelter that the voluntary fine has been paid and that it is in order to release the impounded dog upon payment of the Animal Shelter's fees and costs.
 - iv. in the event that the Owner does not pay the fine and does not claim the dog and the dog is put down, then the Summer Village is responsible for all costs and fees incurred by the Animal Shelter and shall pay same upon receipt of an invoice from the Animal Shelter.

- e. No person, whether or not the Owner of a dog which is being or has been pursued or captured, shall:
 - i. interfere with or attempt to obstruct the Animal Shelter, a Community Peace Officer or Bylaw Enforcement Officer who was attempting to capture or who has captured any dog in accordance with the provisions of this Bylaw;

- ii. unlock or unlatch or otherwise open the van or vehicle in which dogs captured for impoundment have been placed, or any pen or enclosure within the van or vehicle, so as to allow or attempt to allow any dog to escape; or
 - iii. remove or attempt to remove any dog from the possession of the Animal Shelter, a Community Peace Officer or Bylaw Enforcement Officer.
- f. Subject to Subsections 6 g) and 6 h), the Animal Shelter shall keep all impounded dogs for a period of at least seventy-two (72) hours, excluding Sundays and statutory holidays. During this period any healthy dog may be redeemed by its Owner, or the Owner's agent, upon payment to the Animal Shelter of:
- i. the appropriate fine where applicable;
 - ii. kennel fees for every twenty-four.(24) hour period or fraction thereof the dog has been impounded.
- g. With the exception of Vicious Dogs, at the expiration of the seventy-two (72) hour period, any dog not redeemed may be destroyed, sold or otherwise disposed of upon prior approval of the CAO or her designate.
- h. At the expiration of the seventy-two (72) hour period, any Vicious Dog not redeemed shall be destroyed upon prior approval of the CAO or her designate..
- i. The Animal Shelter shall report any apparent illness, communicable disease, injury or unhealthy condition of any dog to a Veterinarian and act upon the Veterinarian's recommendation. The Owner shall be held responsible for all charges resulting.

7. Penalties

- a. The Animal Shelter, a Community Peace Officer or Bylaw Enforcement Officer upon receiving a complaint, or observing a violation of this Bylaw, may:
 - i. issue a warning to the Owner,
 - ii. issue a Municipal Tag or Provincial Offence Tag in the amount of the voluntary penalty outlined in Schedule A,
 - iii. if required, may impound the dog or arrange to have an Animal Shelter capture the dog.
- b. The Animal Shelter, Community Peace Officer or Bylaw Enforcement Officer may enforce the provisions of this Bylaw and may issue an offence ticket to an Owner alleged to have committed one or more of the offences identified in Schedule "A" or a summons imposing a maximum fine of \$2,500.00. The offence ticket shall state the alleged offence and require payment of the appropriate fine as provided in Schedule "A".
- c. The offence ticket may be issued by personally serving it upon the alleged offender or by leaving it at the residence of the alleged offender, or by sending it to the alleged offender by double registered mail.
- d. In any prosecution or proceedings for a contravention of this Bylaw, the burden of proof that the dog was on the property of the Owner shall rest upon the Owner.

- e. Any person who commits a breach of any provisions of this Bylaw may be subject to the *Provincial Offences Procedures Act* and any amendments thereto.

9. Prohibited Animals

No person shall keep, house or provide shelter for any of the following on any premises within the boundaries of the Summer Village:

- i. a Large Animal or the young thereof: excluding domestic dogs;
- ii. roosters;
- iii. poisonous snakes, reptiles, insects, or pigeons.

10. Severability of Bylaw Provisions

Each separate provision of this Bylaw shall be deemed independent of all other provisions, and if any provisions of this Bylaw be declared invalid, all other provisions shall remain valid and enforceable.

11. Repeal of Bylaw

This Bylaw repeals Bylaw 226, The Dog and Pest Control Bylaw.

12. Effective Date

This Bylaw comes into effect on the date of third reading.

READ a first time this 1st day of November, 2012.

READ a second time this 13th day of December, 2012.

READ a third time and passed this 26th day of February, 2013.

Don Davidson, Mayor
Summer Village of Grandview

Sylvia Roy, Chief Administrative Officer
Summer Village of Grandview



Schedule "A" to Bylaw No. 283 – Summer Village of Grandview

ANIMAL CONTROL BYLAW

| OFFENCE | PENALTY |
|--|--|
| Dog at large (Neutered or Non-neutered) plus Animal Shelter fees if applicable | \$ 100.00 |
| Failure to immediately remove a dog's defecation from public or private property other than the property of the dog's Owner | \$ 200.00 |
| Failure to maintain residential property | \$ 200.00 |
| Failure to confine and house a female dog in heat | \$ 100.00 |
| Dog barking or howling excessively | \$ 100.00 |
| Dog damaging public or private property or interfering with Garbage Containment receptacles | \$ 100.00 |
| Interference with enforcement of this Bylaw (any offence listed in Section 6 e) | \$ 200.00 |
| Dog biting or attacking a person or animal, causing injury | \$ 400.00 |
| Dog on posted "No Dog" Reserves playgrounds | \$ 200.00 |
| <i>For any other offence for which a penalty is not specified in Schedule "A"</i> | <i>\$ 200.00</i> |
| <i>An Owner who commits for a second time any of the offences listed in Sections 3 to 5, providing the offence is committed within six months of committing the first offence</i> | <i>Double the initial penalty</i> |
| <i>An Animal that has been determined to be a Nuisance Animal under this Bylaw</i> | <i>Double the above penalty</i> |
| MINIMUM PENALTIES WITH REPECT TO VICIOUS DOGS | |
| Failure to properly confine a Vicious Dog when on the premises of the Owner | \$ 1,000.00 |
| Failure to muzzle or otherwise secure a Vicious Dog when off the premises of the Owner | \$ 2,000.00 |
| Failure to have a Vicious Dog under the effective control of a person over eighteen (18) years of age. | \$ 2,000.00 |
| Vicious Dog biting or attacking a person or animal, causing injury | \$ 3,000.00 |
| Vicious Dog running at large | \$ 2,000.00 |