

# SUMMER VILLAGE OF SUNDANCE BEACH

## BYLAW #2016-01 – ANIMAL CONTROL BYLAW

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### A BYLAW OF THE SUMMER VILLAGE OF SUNDANCE BEACH IN THE PROVINCE OF ALBERTA 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 WHEREAS** the Council of the Summer Village of Sundance Beach deems it advisable to enact such a Bylaw, in order to regulate the control of animals and activities in relation to them and to control nuisances in the Summer Village of Sundance Beach;

**NOW THEREFORE**, the Council of the Summer Village of Sundance Beach, duly assembled, enacts as follows:

#### 1. Name

1.1 This Bylaw shall be known as the "Animal Control Bylaw."

#### 2. Definitions

2.1 In this Bylaw, unless the context otherwise requires:

- (a) "Bylaw Enforcement Officer" means any person appointed by Council or the Summer Village CAO to enforce this Bylaw;
- (b) "Cat" means any domesticated cat;
- (c) "Council" means the council of the Summer Village of Sundance Beach;
- (d) "Dog" means any domesticated dog other than a Nuisance Dog or Restricted Dog;
- (e) "Large Animal" means any animal which, in its adult form, regularly weighs more than 10 kilograms and which, for the purposes of this Bylaw, excludes human beings, Dogs, Nuisance Dogs, Restricted Dogs and Cats;
- (f) "Nuisance Dog" means any dog that has been the subject of three or more convictions within the previous three years for any of, or any combination of, the offences under sections 3.1(a), 3.2(a) or 4.1(a) of this Bylaw;
- (g) "Off Leash Area" means an area (if any) designated by the Summer Village CAO from time to time as an area where a Dog or Nuisance Dog is permitted but not required to be held by a leash;
- (h) "Owner" means any person (i) named on an Owner's Tag, or (ii) in actual or apparent control of property where an animal apparently resides;

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- (i) “Owner’s Tag” means a tag that is attached to the collar of a Dog, Nuisance Dog, Restricted Dog or Cat and that identifies the Owner and provides sufficient information to locate and/or contact the Owner;
- (j) “Restricted Dog” means any dog (i) that has chased, attacked or bitten any person or animal causing physical injury and resulting in a conviction under this Bylaw, (ii) that has chased, attacked or bitten any person or animal on more than one occasion, with or without causing physical injury, and resulting in separate offences under this Bylaw, or (iii) that has been made the subject of an order under the Dangerous Dogs Act (Alberta); and
- (k) “Summer Village CAO” means the chief administrative officer of the Summer Village of Sundance Beach.

### **3. Regulations Applying to All Dogs, Nuisance Dogs and Restricted Dogs**

#### **3.1 With respect to excessive barking or howling:**

- (a) The Owner or any other person having care or control of a Dog, Nuisance Dog or Restricted Dog shall ensure that it does not bark or howl in a manner that is reasonably likely to annoy or disturb the peace of others.
- (b) In determining whether barking or howling is reasonably likely to annoy or disturb the peace of others, consideration may be given, but is not limited, to the (i) proximity of the property where the Dog, Nuisance Dog or Restricted Dog resides, (ii) duration of the barking or howling, (iii) time of day and day of the week, (iv) nature and use of the surrounding area, and (v) any effect of the barking or howling.

#### **3.2 With respect to defecation:**

- (a) The Owner or any other person having care or control of a Dog, Nuisance Dog or Restricted Dog shall forthwith remove any defecation left by it on public property or private property other than property of the Owner.
- (b) The Owner or any other person having care or control of a Dog, Nuisance Dog or Restricted Dog shall ensure that defecation apparently left by it on the property of the Owner does not accumulate to such an extent that it is reasonably likely to annoy or pose a health risk to others.

#### **3.3 With respect to Owner’s Tags, the Owner or any other person having care or control of a Dog, Nuisance Dog or Restricted Dog shall, at all times when it is off the property of the Owner, ensure that it displays an Owner’s Tag.**

#### **3.4 The Owner or any other person having care or control of a Dog, Nuisance Dog or Restricted Dog that is infected with rabies or any other infectious disease shall ensure that it remains of the Owner’s property and that it is under a veterinarian’s care.**

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### 4. Regulations Applying to Dogs and Nuisance Dogs

4.1 With respect to Dogs or Nuisance Dogs being off the property of the Owner:

- (a) The Owner or any other person having care or control of a Dog or Nuisance Dog shall, at all times, when it is off the property of the Owner, have it (i) under control, and (ii) held on a leash not exceeding two metres in length.
- (b) When a Dog or Nuisance Dog is within an Off Leash Area, the Dog or Nuisance Dog need not be held on a leash; however, the Owner or any other person having care or control of the Dog or Nuisance Dog shall carry with them a leash for the Dog or Nuisance Dog not exceeding two metres in length.

4.2 With respect to attacks by Dogs or Nuisance Dogs:

- (a) The Owner or any other person having care or control of a Dog or Nuisance Dog shall ensure that it does not (i) damage property, (ii) chase, attack or bite any person or animal, (iii) chase, attack or bite any person causing physical injury, or (iv) interfere with garbage containment receptacles.
- (b) Section 4.2(a) does not apply if the chase, attack, bite or damage is a direct result of the Dog or Nuisance Dog being provoked.

### 5. Regulations Applying to Restricted Dogs

5.1 With respect to Restricted Dogs being off or on the property of the Owner:

- (a) The Owner or any other person having care or control of a Restricted Dog shall, at all times, when it is off the property of the Owner, have it (i) under control, (ii) muzzled, and (iii) held on a leash not exceeding two metres in length.
- (b) The Owner or any other person having care or control of the Restricted Dog shall, at all times when it is on the property of the Owner have it (i) indoors, (ii) outdoors but secured in a fully enclosed pen, or (iii) outdoors but muzzled and secured by a chain fixed to the property that prevents the Restricted Dog from coming closer than two metres to the apparent boundary of the property.

5.2 With respect to attacks by Restricted Dogs:

- (a) The Owner or any other person having care or control of a Restricted Dog shall ensure that it does not (i) damage property, (ii) chase, attack or bite any person or animal, (iii) chase, attack or bite any person causing physical injury, or (iv) interfere with garbage containment receptacles.
- (b) Section 5.2(a) does not apply if the chase, attack, bite or damage is a direct result of the Restricted Dog being provoked.

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5.3 The Owner of a Restricted Dog shall have liability insurance specifically covering any damages for personal injury caused by the Restricted Dog in an amount of not less than fifty thousand dollars (or such other amount as may be specified by the Summer Village CAO from time to time) and shall provide proof of such insurance to the Summer Village CAO upon request.

### 6. Regulations Applying to Cats

6.1 With respect to Cats being off or on the property of the Owner:

- (a) The Owner or any other person having care or control of a Cat shall ensure that the Cat does not enter onto private property other than private property of the Owner.
- (b) Section 6.1(a) does not apply if the person in charge of the private property consents to the Cat being there.

### 7. Other Regulations

- 7.1 Unless permission to do so has been granted by the Summer Village CAO, no person shall keep or have on any property including, for greater certainty, property of that person (a) a Large Animal or the young thereof, (b) poultry, (c) bees, or (d) poisonous snakes, reptiles or insects.
- 7.2 No person shall keep or have more than (a) three Dogs, Nuisance Dogs or Restricted Dogs, or any combination thereof, and (b) three Cats, in each case on any property including, for greater certainty, property of that person.
- 7.3 No person shall provide false or misleading information to a Bylaw Enforcement Officer or the Summer Village CAO.
- 7.4 No person shall interfere with a Bylaw Enforcement Officer or the Summer Village CAO in the exercise of their powers and duties pursuant to this Bylaw.

### 8. Enforcement

- 8.1 A person who contravenes this Bylaw is guilty of an offence.
- 8.2 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such day.
- 8.3 A person who is guilty of an offence is liable to pay (a) a fine in an amount not less than that established in section 8.4, and not exceeding \$1,000, and (b) the fees and costs described in section 8.9, if applicable.
- 8.4 The following fine amounts are established:

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- (a) \$100 for a first offence;
  - (b) \$250 for a second offence;
  - (c) \$500 for a third offence; and
  - (d) \$1,000 for each offence after the third offence.
- 8.5 Upon receiving a complaint or observing a breach of this Bylaw, a Bylaw Enforcement Officer may (a) issue a warning to the Owner, (b) issue a ticket to the Owner in the amount of the applicable fine, or (c) if applicable, seize or impound the Dog, Nuisance Dog, Restricted Dog or Cat in accordance with section 8.6.
- 8.6 A Bylaw Enforcement Officer may seize or impound (a) any Dog, Nuisance Dog, Restricted Dog or Cat alleged to have seriously injured or killed a person or animal; (b) any Dog or Nuisance Dog found in contravention of section 4.1(a); (c) any Restricted Dog found in contravention of section 5.1 (a) or (b); and (d) any Cat found in contravention of section 6.1(a).
- 8.7 Before seizing and impounding a Dog, Nuisance Dog, Restricted Dog or Cat pursuant to section 8.6(a), the Bylaw Enforcement Officer must consider whether it was acting in self-defense or while in the course of attempting to prevent a person from committing an unlawful act.
- 8.8 A Dog, Nuisance Dog, Restricted Dog or Cat seized pursuant to section 8.6(a) may not be impounded for more than 21 days unless court proceedings for a destruction or other order with respect to it are commenced within that time.
- 8.9 The Owner of any Dog, Nuisance Dog, Restricted Dog or Cat seized or impounded pursuant to this Bylaw is liable for the payment of (a) the fine amount applicable to the offence giving rise to the seizure or impoundment, and (b) any fees or costs charged or incurred with respect to the shelter, care and treatment of it, whether or not the Owner retakes possession of it.
- 9. General**
- 9.1 Without restricting any other power, duty or function granted by this Bylaw, the Summer Village CAO may (a) delegate any powers, duties or functions under this Bylaw to any employee or contractor of the Summer Village of Sundance Beach, (b) establish forms for the purposes of this Bylaw, and (c) establish Off Leash Areas.
- 9.2 Nothing in this Bylaw limits the right of any person to prosecute a claim for damages by reason of injuries to person or property resulting from any action of the Owner of any animal, or from the action of any agent of the Owner.
- 9.3 Each separate provision of this Bylaw shall be deemed independent of all other provisions and if any provisions of this Bylaw shall be declared invalid, then all other provisions shall remain valid and enforceable.
- 9.4 This Bylaw shall replace Bylaw No. P 21 and Bylaw No. P 21 is hereby repealed.

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**10. Effective Date**

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

READ a first time this \_18th\_ day of \_\_\_February\_\_\_, 2016.

READ a second time this \_18th\_ day of \_\_\_February\_\_\_, 2016.

READ a third time and passed this \_18th\_ day of \_\_\_February\_\_\_, 2016.



Peter Pellatt, Mayor



Harold Wynne, Chief Administrative Officer

