

SUMMER VILLAGE OF NORRIS BEACH

BYLAW NO. 130

A BYLAW FOR THE PURPOSE OF REGULATING AND CONTROLLING ANIMALS

WHEREAS, the Municipal Government Act, R.S.A. 2000, Chapter M-26, 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 Norris Beach deems it advisable to enact such a Bylaw, in order to regulate the control of wild and/or domestic animals and activities in relation to them and also to control nuisances in the Summer Village of Norris Beach,

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

1. Name

This Bylaw shall be known as the **“Responsible Animal Control Bylaw.”**

2. Definitions

In this Bylaw, unless the context otherwise requires:

- a) “Animal” means any mammal (domestic or wild) excluding humans, or any bird, insect, reptile or amphibian.
- b) “Animal Shelter” means a facility and service approved by a resolution of Council as a facility for the impoundment and care of animals subject to this Bylaw. In this context Animal Shelter is also referred to as the “Pound”.
- c) “Aggressive (Vicious) Dog” means a dog with a demonstrated propensity to attack or injure a person or animal without provocation or a dog which is believed to have exhibited behaviours as identified in Section 5.
- d) “Bylaw Enforcement Officer”, means whoever has been contracted, hired or authorized to enforce the Summer Village of Norris Beach Bylaws. This includes a member of the Royal Canadian Mounted Police as they are authorized to enforce any, and all, municipal bylaws.
- e) “Competent Person” means a person who is both physically and mentally capable of restraining and controlling a dog or other animal to an extent that the dog or other animal cannot interfere with other persons or animals or damage property;
- f) “Council” means the Council of the Summer Village of Norris Beach.
- g) “Large Animal” means an animal weighing more than 10 kilograms.

- h) "Leash" means a chain or other material capable of humanely restraining an dog or other animal;
- i) "Municipal Property" 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. This includes Road allowances. Reserves are further defined in 2 m) below but are also included in municipal property.
- j) "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.
- k) "Owners Tag" means a metal tag attached to the collar that identifies the Owner and provides sufficient information to efficiently locate and/or contact the Owner, or a microchip embedded in an animal which contains accurate Owner information.
- l) "Poultry" means domestic birds kept in captivity for the production of eggs, meat, and other by-products. "Fowl" additionally includes ducks and geese.
- m) "Reserves" means all recreational 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) "Running 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 some competent person and therefore may cause damage to persons, property or other animals.
- o) "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.
- p) "Trespassing" means where a person enters a Premise without permission from the owner or occupant of the Premise, but does not include where persons enter the Premise for the purposes of paper delivery, utility meter reading, charity solicitations, or other normally expected and lawful purposes;

3. Prohibited Animals

No person shall keep or have any of the following on any premises within the boundaries of the Summer Village:

- a) a Large Animal or the young thereof; (i.e. greater than 10 Kilograms.)
excluding domestic dogs which are not a prohibited animal.
- b) poultry and/or fowl;
- c) bees;
- d) poisonous snakes, reptiles or insects; or
- e) pigeons

4. Responsibilities of Owner

- a) No Owner shall, permit, allow or for any reason to 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) A blind Owner of a registered guide dog, or a blind person being assisted by a registered guide dog, is not subject to the obligations imposed in (c) and (i).
- 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, cause injury by chasing, biting, or attacking 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.
- i) The Summer Village shall post signs to indicate reserve areas or playground areas where dogs are not permitted.
- j) When operating a bicycle, skateboard, in-line skates or non-motorized scooter on a pathway, no Person shall do so with a dog or any other animal on a leash.
- k) No more than three (3) similar animals (*i.e. maximum of (3) dogs and maximum of (3) cats*) 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 a serious wound and the Owner of an animal which has inflicted a serious wound, 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 or Animal Shelter with the ability to efficiently locate or contact the owner.

- n) The Owner of a dog shall not abandon an animal;
An animal will be deemed to have been abandoned when:
 - (i) the animal is left behind at a Premise or neighbourhood after the Owner has moved away; or
 - (ii) the animal, for whatever reason, is Running at Large and the Owner has not made reasonable attempts to locate the animal, such attempts including but not necessarily limited to, notifying the municipality, the Bylaw Enforcement Officer, or the Royal Canadian Mounted Police that the animal is missing and making enquiries with local veterinary facilities.
- o) No person shall leave an animal inside an unattended Motor Vehicle, whether on public or private property, unless:
 - (i) there is adequate ventilation and temperature control provided for the health and well-being of the animal; and
 - (ii) the animal is restricted and restrained so as to prevent the animal's escape from the vehicle, or it's access to persons or animals in the vicinity of the vehicle.

5. Vicious Dogs

- a) A dog will be considered vicious if a Bylaw Enforcement Officer believes on reasonable and probably grounds resulting from a complaint investigation that a dog has, without provocation,:
 - (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; or
 - (iv) Been previously determined to be a Dangerous Dog under the Dangerous Dogs Act, RSA 2000, and amendments thereto.
- b) The Owner of a Vicious Dog shall take all necessary steps to ensure that the dog does not bite, chase 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 Village Council 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, which knows or ought to know is a Vicious Dog, shall keep the Vicious Dog in accordance with the provisions of Section 5 d) and e).
- g) If the Pound, or a 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 5 c), 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 5 c) and d), 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 5 g), the Bylaw Enforcement Officer shall, as soon as is reasonably possible, cause the matter to be reviewed and make a final determination.

6. 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, runs at, or attempts to bite, attack or run at any person except if it bites or attacks 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
 - (iv) is running at large and,
 - (v) chasing or barks at any automobile, bicycle or other vehicle, and/or
 - (vi) worries or annoys any other animal, and/or
 - (vii) whether under leash, immediate and effective control or not, the dog is the subject of a complaint by a person as creating an excessive nuisance by barking, howling or otherwise disturbing any person at any time of day or night.

7. Impoundment

- a) The Pound or Bylaw Enforcement Officer may seize and impound:
 - (i) every dog at large; or
 - (ii) every dog found on posted reserve; or
 - (iii) every female dog in heat not confined, housed or kennelled in compliance with section 4 b).

- b) In addition to the remedies set forth in this Bylaw, if the Pound 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 5 d), e), g) and h), and Section 7 a), but for the purpose of investigation only, the Pound 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 Pound 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 Pound.
 - (ii) the Owner shall be responsible for all Pound costs and fees charged.
 - (iii) the Summer Village shall advise the Pound when the municipal voluntary fine has been paid and that it is in order to release the impounded dog upon payment of the Pound's fees and costs.

- 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 a Pound 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 Pound or Bylaw Enforcement Officer.

- f) Subject to Subsections 7 g) and 7 h), the Pound shall keep all impounded dogs for a period of at least five (5) days, 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 Pound of:
 - (i) the appropriate fine where applicable;
 - (ii) kennel fees as identified on Schedule "B" hereof 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 five (5) day period, any dog not redeemed may be destroyed, sold or otherwise disposed of.
- h) At the expiration of the five (5) day period, any Vicious Dog not redeemed shall be destroyed.
- i) The Pound 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.

8. Penalties

- a) The Pound 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 b) below,
 - (iii) if required may impound the dog or arrange to have a Pound capture the dog.
- b) Voluntary Penalties: as on attached Schedule A.
- c) The Pound 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 \$ 5,000. The offence ticket shall state the alleged offence and require payment of the appropriate fine as provided in Schedule "A".
- d) 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.
- e) 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.
- f) 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. Severability

- a) Each separate section of this Bylaw shall be deemed independent of all other sections. Should any section or part of this Bylaw be declared invalid, then such section or part shall be regarded as being severable from the rest of the Bylaw and all other sections shall remain valid and enforceable.

10. Repeal of Bylaw

This Bylaw repeals Bylaw 94.

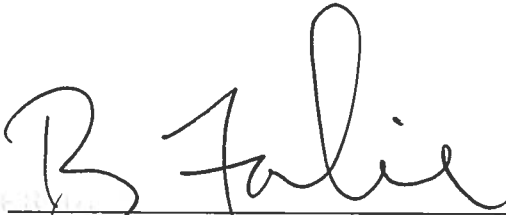
11. Effective Date

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

READ a first time this 7th day of December, 2012, A.D.

READ a second time this 18th day of January, 2013, A.D.

READ a third time and passed this 9th day of March, 2013, A.D.



Bruce Fowlie, Mayor
Summer Village of Norris Beach



Sylvia Roy, Chief Administrative Officer
Summer Village of Norris Beach

Schedule "A" to Bylaw No. 130 – Summer Village of Norris Beach

OFFENCE	PENALTY
Dog at large (Neutered or Non-neutered)	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 - excessive animal defecation	100.00
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 (cost of repair in addition)	100.00
Interference with enforcement of this Bylaw (any offence listed in Section 7 e)	200.00
If a dog bites or attacks a person or animal, causing injury	400.00
Dog on posted "No Dog" reserve or playground	200.00
For any other offence for which a penalty is not specified in Schedule "A"	200.00
An Owner who commits for a second time any of the offences listed in Sections 3 to 6, providing the offence is committed within six months of committing the first offence	<i>Double the initial 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 competent person over eighteen (18) years of age.	2,000.00
If a Vicious Dog bites or attacks a person or animal, causing injury, the Owner shall be subject to a fine of	3,000.00
Vicious Dog running at large	2,000.00

**** These penalties are in addition to the Animal Shelter/Pound fees if applicable.**

Schedule "B" to Bylaw No. 130 – Summer Village of Norris Beach

These are the terms of an agreement to board and euthanize **stray dogs** brought in to an Animal Shelter/Pound, on behalf of the Summer Village of Norris Beach.

Stray dogs will be received from members of the Pigeon Lake Constable Service, or any other duly authorized agent of the Summer Village of Norris Beach.

All dogs will be checked for identification tags, tattoos and microchips upon presentation in an attempt to locate an owner. Any animal brought in that is injured or ill will be assessed by a veterinarian upon presentation. Should it be deemed inhumane to keep the animal for the holding period without medical intervention, then the animal will be euthanized immediately.

Stray dogs will be held for the required five (5) working days, starting the first full day after being brought to an Animal Shelter/Pound. The rightful owner will be invoiced for five (5) days board. Should the required five (5) days fall over a Saturday and Sunday, then the stray will be kept for a total of seven (7) boarding days, which will be invoiced as seven (7) days. An additional day is added in the case of a holiday Monday.

At the end of the holding period, if the stray dog has not been claimed by the rightful owner, the veterinarian, on behalf of the Summer Village of Norris Beach, will euthanize, then cremate the remains. Should the veterinarian feel the dog is adoptable, they reserve the right to place the stray rather than euthanize it at the end of the five (5) days.

The veterinarian will only release a stray during the holding period to someone with a receipt from the S.V. of Norris Beach proving payment of any fines by the S.V. of Norris Beach or upon verbal authorization from the Bylaw Enforcement Officer on duty. If the dog is released to the owner, and there are no other fines owing to the S.V. of Norris Beach, board fines can be collected directly from the owner by the veterinarian.

Charges until December 31, 2013 are as follows:

<i>Board, per dog, per day, all sizes</i>		<i>\$15.15</i>
<i>Tranquilizing, per dog, all sizes (Required prior to euthanization)</i>		<i>\$16.50</i>
<i>Dogs, 20 lbs or less</i>	<i>Euthanization, per dog</i>	<i>\$24.75</i>
	<i>Cremation, per dog</i>	<i>\$24.75</i>
<i>Dogs, 21-50 lbs.</i>	<i>Euthanization, per dog</i>	<i>\$29.15</i>
	<i>Cremation, per dog</i>	<i>\$31.15</i>
<i>Dogs, 51-100 lbs.</i>	<i>Euthanization, per dog</i>	<i>\$36.30</i>
	<i>Cremation, per dog</i>	<i>\$49.50</i>
<i>Dogs, over 100 lbs</i>	<i>Euthanization, per dog</i>	<i>\$36.30</i>
	<i>Cremation, per dog</i>	<i>\$73.45</i>

****Fees subject to change with Animal Shelter/Pound contract renewal.**