

**SUMMER VILLAGE OF SANDY BEACH
BYLAW 07-2009**

A BYLAW OF THE SUMMER VILLAGE OF SANDY BEACH IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE REGULATING AND CONTROL OF DOGS WITHIN THE SUMMER VILLAGE OF SANDY BEACH.

WHEREAS under the provisions of the Municipal Government Act (Alberta) Section 7, Subsection (h) Council may pass a Bylaw for municipal purposes respecting domestic animals and activities in relation to them; and

WHEREAS the Council of the Summer Village of Sandy Beach, in the Province of Alberta, considers it desirable to regular and control dogs within the municipality;

NOW THEREFORE the Council of the Summer Village of Sandy Beach, in the Province of Alberta, duly assembled, enacts as follows:

TITLE

1. That this Bylaw may be cited as "The Dog Control Bylaw"

DEFINITIONS

2. In this Bylaw the term or phrase:

- a. "Bylaw Enforcement Officer" means a person appointed as such by the Council of the Summer Village of Sandy Beach, or a Community Peace Officer or Police Officer;
- b. "Municipal Tag" means a tag or ticket wherein the person alleged to have violated a provision of this bylaw is given an opportunity to pay a voluntary penalty to the Summer Village in lieu of prosecution for the violation;
- c. "Owner" means the person having legal title to the dog in question and includes the person in whose name the dog is registered and any other person who has possession or custody of the dog or any person who harbours, houses, or permits such dog to be upon his property;
- d. "Resident" means a person who lives or owns property within the corporate limits of the Summer Village;
- e. "Restricted Dog" means
 - (i) Any dog with a known propensity, tendency or disposition to attack without provocation other domestic animals or humans; or
 - (ii) Any dog which has bitten another domestic animals or human without provocation; or
 - (iii) a pit Bull Terrier, American Pit Bull Terrier, Pit Bull, Staffordshire Bull Terrier, American Staffordshire Terrier or any dog of mixed breeding which included any of the aforementioned breeds, which can be identified through its physical characteristics as a dog partially of the aforementioned breeds or kind by a Veterinarian licensed to practice in Alberta.
- f. "Running at Large" means a dog which is:
 - (i) Not on its owner's property, and not on its leash
 - (ii) Not on its owner's property, and on a leash which is not in the hands of a competent person or securely fixed to an immovable object

- g. "Stipulated Voluntary Penalty" means the penalty specified in Schedule "A" hereof, which may be paid in response to a municipal tag, for an alleged violation of the specified section of this bylaw.
- h. "Summer Village" means the Summer Village of Sandy Beach or the corporate limits of the Summer Village, as the context may require;

BYLAW ENFORCEMENT

- 3. The provisions of this bylaw shall be enforced by any Summer Village Bylaw Enforcement Officer, Community Peace Officer or Police Officer.

OWNER RESPONSIBILITY

- 4. a. The owner of an animal;
 - (i) shall ensure that the animal is not running at large; and
 - (ii) shall be deemed to have failed or refused to comply with the requirements of the previous subsection unless he proves to the satisfaction of the Court trying the case, that he has taken all reasonable precautions either;
 - (a) to secure the animal so that it would not be able to leave the premises of the owner; or
 - (b) to ensure himself that the animal was under constant supervision of a person competent to control it at all times when it was off the premises of the owner.
- b. The owner shall ensure that all necessary vaccinations are obtained for any animal in his possession;
- c. Every owner of a female dog shall confine such female dog during the whole of the period when such dog is in heat
- d. The owner of an animal shall ensure that such animal shall not become a public nuisance by:
 - (i) biting or chasing a person or persons whether on the property of the owner or not;
 - (ii) biting, barking at, or chasing stock, bicycles, automobiles, or other vehicles;
 - (iii) barking, howling or otherwise disturbing any neighbours
 - (iv) causing damage to property or other animals, or
 - (v) keeping a female which is in season at any location where the dog is a source of attraction to other dogs
 - (vi) the owner whose animal defecates on property other than his own shall remove forthwith any defecated matter deposited;
 - (vii) an owner of an animal which is found upsetting waste receptacles or scattering the contents thereof, either in or about a street, lane, or other public property or in or about premises not belonging to or in the possession of the owner of the animal is guilty of an offense separate and apart from the offense provided in Section 6 and upon summary conviction thereof shall in addition to any penalty imposed upon him be civilly liable to the Summer Village of any expense directly or indirectly incurred by it in connection with the receptacle being upset or the waste scattered abroad.
- e. An owner of an animal which is suffering from a communicable disease;
 - (i) shall not permit the animal to be in any public place;
 - (ii) shall not keep the animal in contact with or in proximity to any other animal free of such disease;
 - (iii) shall keep the dog locked or tied up; and
 - (iv) shall immediately report the matter to the Chief Animal Control Officer, to a Veterinarian Inspector of the Health of Animal Branch of the local office of the Federal Department of Agriculture, and the local Police
- f. No owner, or person in control of a dog, shall keep or harbor a Restricted Dog unless such Restricted Dog is kept either securely confined indoors or in a locked pen.

DISTURBANCE OF DOGS

5. a. No person shall harass, agitate, taunt, release or attempt to release any dog which is at the time secured on the property of its owner or the property of some other person authorized by the owner to be in possession of the dog.
- b. No person shall remove or attempt to remove any dog from the possession of a Bylaw Enforcement Officer, Community Peace Officer or Police Officer.

NUMBER OF DOGS

6. No person residing within the Summer Village of Sandy Beach shall keep or harbor more than three (3) dogs of whatever sex and aged six (6) months or more at one and the same time in any house, shelter, room or place within the Summer Village. Any person who has been issued a municipal tag under this section, and who does not comply within fourteen (14) calendar days is subject to additional fines as permitted under Schedule A.

IMPOUNDMENT

7. a. Council shall make provision for the keeping of impounded dogs captured for a violation of this bylaw. The CAO shall be at liberty to make such rules and regulations as the CAO shall consider necessary for the operation of a pound or pounds for the impoundment of dogs captured for a violation of this bylaw and may appoint such poundkeepers and dog catchers and such other persons as Council deems are necessary for carrying out the provisions of this bylaw.
- b. Notwithstanding the above, the Council may make arrangements or agreements with the Society for the Prevention of Cruelty to Animals or any other organization or persons for the purpose of capturing and impounding dogs unlawfully running at large.
- c. It shall be the duty of the poundkeeper and such other person or person as may be authorized by Council to confine all dogs captured for violation of this bylaw in the pound subject to the owner's right to redeem the dog within seventy two (72) hours from the time of impounding upon payment to the poundkeeper of an amount or amounts to be determined by Council or the CAO from time to time. Any dog not redeemed within the time specified herein may be sold or destroyed. No dog shall be released until all fees incurred are paid in full by cash or certified cheque.

RESTRICTED DOG

8. The Summer Village of Sandy Beach may, in writing, declare any dog to be a "Restricted Dog" based on the criteria set out in section 2. e.

PENALTIES

9. a. A municipal tag will be issued in the amount of the stipulated voluntary penalty for any violation of the provision of this bylaw. Payment of the stipulated voluntary penalty shall be accepted by the Summer Village in lieu of prosecution.
- b. In the event that a municipal tag remains unpaid for a period of 14 days following the issuance, a summons will be issued.
- c. Any person who on summary conviction is convicted of violating any provision of this bylaw shall be liable to pay a fine of not less than the stipulated voluntary penalty and not more than \$2,500.00 and in default of payment, judgment.
- d. Any person who violates any provision of this bylaw for which a stipulated voluntary penalty has not been established by Schedule "A" shall be liable to a voluntary penalty

of \$100.00 and upon summary conviction, to a fine of not less than \$100.00 nor more than \$2,500.00 and in default of payment, judgment.

e. A municipal tag may be served by:

- (i) personally serving it on the alleged offender, or
- (ii) by leaving it with an adult person at the alleged offender's residence, or
- (iii) sending the municipal tag double registered mail to the alleged offender

f. Nothing in this section shall preclude any person charged with having offended any provision of this bylaw from exercising his right to make full answer and defense to such charges.


7. That this Bylaw shall come into effect upon the date of the final reading.

8. That Bylaw #203-1995 be rescinded.

READ a first time this 19th day of November, 2009.

READ a second time this 19th day of November, 2009.

READ a third time this 19th day of November, 2009.



Chairman





CAO

Bylaw 07-2009
Dog Control Bylaw
Schedule A

Stipulated Voluntary Penalties In Lieu of Prosecution
Impound Fees will be added to any penalty specified below, where applicable.

Section	Description	Penalty
4	Dog running at large:	
	- first offence	\$100.00
	- second offence	\$200.00
	-third offence	\$300.00
	-fourth offence	\$500.00
	Female dog not confined when in heat	\$100.00
	Dog barking, howling, or disturbing person(s)	
	- first offence	\$100.00
	- second offence	\$200.00
	-third offence	\$300.00
	-fourth offence	\$500.00
	Defacation	\$100.00
	Dog bite, attack, threaten, chase, kill or injure	\$150.00
	-second offence	\$300.00
5	Harassing, agitating, taunting, releasing or attempting to release secured dog	\$150.00
	-second offence	\$300.00
	Removing or attempting to remove dog from Possession of Bylaw Enforcement Office, Community Peace Officer or Police Officer	\$250.00
	-second offence	\$500.00
6.	Failing to comply with the animal unit Restrictions	\$150.00
	-second offence	\$300.00
4 & 8	Restricted Dog running at large	\$1,000.00
	-second offence	\$2,500.00

Contravention of any provision of the bylaw for which a penalty is not specified.

A fine of not less than ONE HUNDRED AND FIFTY (\$150.00) DOLLARS for the first and each subsequent offence PLUS APPLICABLE IMPOUND FEES