

**THE SUMMER VILLAGE
OF SANDY BEACH**



Summer Village of Sandy Beach

BYLAW NO. 02-2019

A bylaw of the Summer Village of Sandy Beach in the Province of Alberta, to provide for the responsible ownership, regulation and control of dogs and to establish regulation for dogs, cats, and any other animals deemed pets including exotic animals, guide dogs, fowl and mental support animals including horses and livestock or hold in the Regional 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 a Bylaw regulating, licensing and controlling Dogs, Cats, and other Animals.

NOW THEREFORE the Council of the Summer Village of Sandy Beach enacts as follows:

1. This bylaw may be cited as the “Pet Ownership and Animal Regulation Bylaw”.

2. DEFINITIONS

- (a) “Animal” shall mean any domestic animal or small household pet including exotic pets, and shall include domestic or wild Birds, Wildlife, or Livestock.
- (b) “Assistance Dog” means any professionally trained Dog that works in partnership with a person to increase his or her independence, safety and mobility.
- (c) “Attack” means an assault resulting in bleeding, bone breakage, sprains, abrasions, bruising.
- (d) “Barking” means howling, whining, whimpering, baying, or barking.
- (e) “Bite” means a wound to the skin causing an abrasion, bruising, puncture or break.
- (f) “Cat” means either a male or female domestic Cat of any breed.
- (g) “Controlled Confinement” means when an order under Schedule “D” or Schedule “E” is issued by a Peace Officer to confine or seize a Dog in either the Regional Animal Pound 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.
- (h) “Day” means a continuous period of twenty-four (24) hours.
- (i) “Dog” means either a male or female Dog of any breed.
- (j) “Dog License” means a license application issued by the Summer Village pursuant to Schedule “B” of this Bylaw.
- (k) “Dog Tag” means the physical tag issued of identification.

- (l) “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 a Peace Officer pursuant to an investigation or apparent breach of this Bylaw or other Federal or Provincial Legislation concerning Animals.
- (m) “Leash” means any material that is less than 6 meters in length capable of restraining the Dog on which it is being used.
- (n) “Livestock” means alpacas, bison, cattle, donkeys, goats, horses, llamas, mules, sheep, swine, pigeons, chickens, turkeys, goose, fowl or poultry of any kind unless such birds or poultry are part on any commercial undertaking which is established with the approval of Village Council.
- (o) “Muzzle” means a device of sufficient strength that when placed over a Dog’s mouth to prevent it from Biting.
- (p) “Owner” means the Owner of a Dog and includes any person or group of people:
 - (i) named as Owner on a Dog License application;
 - (ii) in possession or control of a Dog; or
 - (iii) in possession or control of the property where a Dog appears to reside, either temporarily or permanently.
- (q) “Peace or Designated Officer” means:
 - (i) a member of the Royal Canadian Mounted Police,
 - (ii) a Peace Officer appointed under the Peace Officer Act,
 - (iii) a person appointed as a Bylaw Enforcement Officer or by Council as Administration.
 - (iv) a Pound keeper or their designate employed for the purpose of operating the Pound.
- (r) “Playground Equipment” means an area containing play equipment, play structure(s) and protective surfacing that is intended for the use of children.
- (s) “Posted Area” means an area posted by the Summer Village with a sign which prohibits Dogs from being in that area.
- (t) “Pound” means the Regional Animal Pound established for the temporary holding of Impounded, captured, stray or other Dogs, Cats, and Animals.
- (u) “Recreation Areas” means any area within the Summer Village that is owned, leased, or operated or managed by the Summer Village and is intended for but not limited to the use of sporting events and only encompasses the area of the field intended for the activity.
- (v) “Running at Large” means a Dog which is off the premises of its Owner and is not on a Leash and under control of a competent person.
- (w) “Service Dog” means a service dog as defined in the Service Dog Act.
- (x) “Village of Summer Village” means the corporate entity of the Summer Village of Sandy Beach.

- (y) “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:
 - (i) chased, injured or Bitten any other Animal, Livestock or human,
 - (ii) damaged or destroyed any public or private property, or
 - (iii) threatened or created the reasonable apprehension of a threat to any other Animal, Livestock or human which presents a threat of serious harm to other Animal, Livestock or humans, or
 - (iv) has previously been determined to be a Vicious Dog by any other jurisdiction.

If a Peace or Designated Officer (Administration, Public Works, Bylaw or Contractor) 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.

- (z) “Vicious Dog License” means a license issued by the Village for a Vicious Dog pursuant to Schedule “C” of this Bylaw.

3. DOG TAGS

- (a) No Owner shall keep any Dog of whatever age unless the lifetime license of \$15.00 per dog is paid by July 2 of any year that the Village is informed of the intended or actual ownership. A lifetime certificate will be issued - failure to register or pay authorize Council to recover this cost against tax roll.

4. KEEPING OF DOGS and CATS

- (a) No Owner shall keep or allow to be kept more than three (3) Dogs or three (3) Cats that have reached any age, on a parcel of land ten (10) acres or less in size.
- (b) No Owner shall harbour or train any animals as per this Bylaw.

5. NUISANCES

EXCESSIVE BARKING

- (a) The Owner shall ensure their Dog does not bark in a manner that is reasonably likely to annoy or disturb the peace or the quality of life for others and shall maintain reasonable quiet hours expected for any residential working community.
- (b) When a Peace Officer is determining whether Barking is reasonably likely to annoy or disturb the peace or the quality of life for others consideration may be given to, but is not limited to:
 - (i) proximity of the property where the Dog resides;
 - (ii) duration of the Barking;
 - (iii) time of day and day of the week;
 - (iv) nature and use of the surrounding area.

6. DEFECATION

- (a) The Owner shall forthwith remove any defecation left by the Dog on public or private property other than that of the Owner.
- (b) The Owner shall ensure that 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.

7. RUNNING AT LARGE

- (a) No Owner shall permit a Dog to be Running at Large within the Village.
- (b) No Owner shall permit their Dog to be unattended and tied to any object when off the property of the Owner and Such Dog shall be deemed to be Running at Large.

8. MOTOR VEHICLES

- (a) No Owner shall permit, or allow any Dog to ride on the outside of a moving vehicle where the Dog is not secured in a manner that prevents the Dog from jumping or falling out.

9. PRIVATE PROPERTY

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

10. PLAYGROUNDS / POSTED AREAS

- (a) An Owner shall not permit a Dog to be on any public property or play area where dogs are prohibited.
- (b) An Owner shall not allow a Dog to be on any Recreation Areas.

11. SCATTERING GARBAGE

- (a) The Owner of a Dog 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 Dog.

12. THREATENING BEHAVIORS

- (a) The Owner of a Dog shall ensure that such Dog shall not:
 - (i) chase or Bite a person, Dog, Cat, Livestock, Animal, or any type of vehicle.
 - (ii) cause damage to property or Dogs, Cats, Livestock or Animals.
 - (iii) attack or threaten a person, Dog, Cat, Livestock, Fowl or Animal.
 - (iv) cause death to a Dog, Cat, Livestock, Fowl or Animal.
- (b) A Peace or Designated Officer, who believes an offence has been committed under subsection (a), may order Controlled Confinement of the Dog.
- (c) An Owner shall follow all conditions as stipulated in the Controlled Confinement order.
- (d) An owner shall not use or direct a Dog to Attack, chase, or threaten a person, Dog, Cat or Animal.

13. DOG IN HEAT

- (a) Notwithstanding subsection (b), an Owner of a Dog in heat shall, during the entire period that such Dog is in heat, keep such Dog confined in a manner as not to attract other Dogs.
- (b) Where a Dog in heat is confined such Dog shall be permitted out of confinement for the sole purpose of permitting such Dog to urinate or defecate.

14. ANIMAL CONTROL OPERATION – AUTHORITY

- (a) A Peace or Designated Officer may capture, trap, or impound any Dog found Running at Large.
- (b) A Peace or Designated Officer may enter onto any land in pursuit of a Dog which is Running at Large.
- (c) A Peace or Designated Officer, in any case where the Owner of a Dog can be identified through Village records, may return the Dog to its Owner where practicable instead of taking the Dog to the Pound.
- (d) A Peace or Designated Officer may use any humane method to capture a Dog. Should the Dog be hurt during capture or attempted capture, neither the Town nor the Peace Officer shall be held liable for such injury.
- (e) A Peace or Designated Officer may delegate his powers to any person for the purpose of assisting the Peace Officer in the capture of any Dog in contravention of this Bylaw. Any person delegated or assisting a Peace Officer shall not be held liable.
- (f) A Peace or Designated 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 Dog.

15. OWNER IDENTIFICATION

- (a) An Owner of any Dog found in violation of any provisions of this Bylaw shall, on demand, produce or provide forthwith suitable identification to the Peace Officer.

- (b) 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.

16. OBSTRUCTION

- (a) No person shall:
 - (i) interfere with or attempt to obstruct a Peace or Designated Officer who is attempting to capture or has captured a Dog which is subject to being Impounded or seized pursuant to the provisions of this Bylaw;
 - (ii) induce a Dog to enter a house or other place where it may be safe from capture or otherwise assist a Dog to escape capture;
 - (iii) unlock, unlatch or otherwise open the Peace Officer's vehicle to allow or to attempt to allow any Dog to escape.
 - (iv) tamper with, unlock, unlatch or otherwise open a kennel, humane live trap, or any other Animal control equipment.
 - (v) fail, without lawful excuse, to follow any direction under this Bylaw given by a Peace Officer.

17. NEGLIGENCE

- (a) No person shall:
 - (i) untie, loosen or otherwise free a Dog which has been tied or otherwise restrained, or
 - (ii) negligently or willfully open a gate, door or other opening in a fence or enclosure in which a Dog has been confined thereby allowing a Dog to Run at Large within the Village.

18. TRAPPING OF AN ANIMAL

- (a) A person who has humanely trapped a Dog, Cat or other Animal shall:
 - (i) take all reasonable precautions to keep any trapped Dog, Cat, or other Animal safe from harm, and
 - (ii) notify and surrender a trapped Dog, Cat or other Animal to a Peace Officer, or where applicable transport the trap and Dog, Cat or other Animal to the Regional Animal Pound for surrender.

19. TORMENT

- (a) No person shall tease, torment, annoy, or otherwise provoke a Dog or pet or animal as per this Bylaw.

20. VICIOUS DOGS

- (a) If a Peace or Designated Officer determines that a Dog is a Vicious Dog, he may:
 - (i) give the Owner a verbal and/or written order that the Dog has been deemed to be a Vicious Dog, and
 - (ii) require the Owner to keep such Dog in accordance with the provisions of Section 21 of this Bylaw.
 - (iii) Under this Bylaw a Vicious Dog order continues to apply if the Vicious Dog is sold, given or transferred to a new owner and costs recovered against the tax roll unless paid within 30 business days.

21. VICIOUS DOG REQUIREMENTS

- (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 house.
- (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 or other Animal whether the Dog, Cat or Animal is on public or private property or in a dwelling house.
- (c) When a Vicious Dog is in the dwelling house 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 a dwelling house it must be confined in a locked pen with a secure bottom effectively attached to the sides, or the sides shall be embedded in the ground to a minimum depth of thirty (30) centimeters. The pen must be located at a point no closer than 3.5 meters to the apparent boundary of the property.

- (e) When a 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) Owner of a Vicious Dog shall notify a Peace Officer immediately if the Dog is Running at Large.
- (g) Failure to comply with any and all of the above will secure the termination and or removal of the animal in question within 1 hour hence forth.
- (h) When the Owner of a Vicious Dog produces a certificate indicating that the Dog has passed the Canine Good Neighbor's Test, as administered by a qualified instructor, the Village **may** grant an exemption for the Muzzling and secure pen requirements of this Section.

22. IMPOUNDMENT

- (a) 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 35 calendar days. Statutory Holidays shall not be included in the computation of the 35 calendar days period. Costs will be recovered through the tax roll number if not paid within 30 business days by the owner.

23. LIVESTOCK or EXOTIC PETS or FOWL

- (a) No person shall keep or harbour livestock, exotic pets, animals or fowl within the Village boundaries.

24. FINES AND PENALTIES

- (a) Any person who contravenes any provisions of this Bylaw, or direction given by a Peace or Designated Officer pursuant to this Bylaw, is guilty of an offence and may be issued a Violation Ticket or have the cost recovered against their tax roll within 30 business days if not paid in full.
- (b) A person who is guilty of an offence pursuant to this Bylaw is liable to a fine issued in letter by the designated officer (Peace Officer, Bylaw, Administration, Council or Public Works) in an amount of one hundred dollars (\$100.00) which will double on each subsequent offence and the 30 business day penalty recovery period.

25. EXEMPTIONS

- (a) This Bylaw does not apply to a Service Dog or Assistance Dog while it is in active service and had been completely trained as such.
- (b) Service Dog(s) are exempt from Section 3 of this Bylaw.

26. SEVERABILITY

- (a) 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. Council reserves the right to motion action in accordance with the operational requirements of this Bylaw that is not actually listed in this Bylaw.

27. RESCIND BYLAW

Bylaw 09-2007 is hereby rescinded.

28. EFFECTIVE DATE

This Bylaw shall come into full force and effect on final passage thereof.

Read a first and second time and by unanimous consent of all Councillors present, a third and final reading and finally passed this ____rd day of _____, A.D., 20_____.

Mayor

CAO