

# THE SUMMER VILLAGE OF SANDY BEACH

## BYLAW NO. 04-2019

### RESPONSIBLE PET OWNERSHIP BYLAW



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 and control for dogs, cats, domestic animals and any other animals deemed pets including exotic animals, fowl, horses, livestock or animals 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 Domestic 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 or Animal Regulation Bylaw”.**

#### **2. DEFINITIONS**

- (a) “Adjacent Property” means property that is contiguous (shares a common border, touches or are in sequence together) to a particular parcel of land and includes land that would be contiguous if not for a highway, road, river or stream.
- (b) “Animal” shall mean any domestic animal or small household pet including exotic pets, and shall include domestic or wild Birds, Wildlife, or Livestock.
- (c) “Animal Control Officer” means a Bylaw Enforcement Officer appointed

by the Summer Village, a Community Peace officer, a regular member of the Royal Canadian Mounted Police, an independent contractor who is under contract with the Summer Village to provide Bylaw Enforcement Services and is appointed by the Village to enforce this Bylaw.

- (d) "Animal Shelter" means premises designated by the Summer Village for the impoundment and care of Animals and includes premises supplied by an independent contractor or another municipality under agreement and under contract with the Summer Village to provide such premises.
- (e) "Assistance Dog" means any professionally trained Dog that works in partnership with a person to increase his or her independence, safety and mobility.
- (f) "At Large" means where a dog or cat is at any place other than the owner's property or other permitted property and is not being held by a leash. The dog or cat must remain under control regardless of the presence of a leash.
- (g) "Attack" means an assault resulting in bleeding, bone breakage, sprains, abrasions, bruising.
- (h) "Barking" means howling, whining, whimpering, baying, or barking.
- (i) "Bite" means a wound to the skin causing an abrasion, bruising, puncture or break.
- (j) "Cat" means either a male or female domestic Cat of any breed.
- (k) "Controlled Confinement" means when an order under Schedule "D" or Schedule "E" is issued by a Bylaw 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.
- (l) "CAO" means the Chief Administrative Officer (CAO) appointed by the Council or an employee of the municipality as designated by the Chief Administrative Officer.
- (m) "Dangerous Dog" means any dog the municipality or Council

determines on reasonable grounds to be a danger to other persons or animals either through personal observation or on the basis of facts determined after an investigation by the designated Bylaw Officer or any other Designated Officer.

- (n) "Day" means a continuous period of twenty-four (24) hours.
- (o) "Dog" means either a male or female Dog of any breed.
- (p) "Dog License" means an animal license issued in accordance with the provisions of this Bylaw.
- (q) "Impounded" means a Dog, Cat or any 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 Bylaw Officer pursuant to an investigation or apparent breach of this Bylaw or other Federal or Provincial Legislation concerning Animals.
- (r) "Leash" means a chain or other material designed for and adequate to control the dog or cat to which it is attached.
- (s) "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.
- (t) "Muzzle" means a device of sufficient strength that when placed over a Dog's mouth to prevent it from Biting.
- (u) "Non-domestic Animal" means any wild animal, reptile or fowl, which is not naturally tame or gentle but is of a wild nature or disposition and which, because of its size, vicious nature or other characteristics would constitute a danger to human life or property.
- (v) "Owner" means any natural person or body corporate;
  - a) who is the licensed owner of the animal;
  - b) who has legal title to the animal;
  - c) who has possession, custody, or care of the animal, either temporarily or permanently;
  - d) who harbors the animal, or allows the animal to remain on any

property owned, occupied leased by him, or which is otherwise under his control;

- e) a person who claims and receives a dog from the custody of the animal shelter or an animal control officer;

(w) “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.

(x) “Playground Equipment” means an area containing play equipment, play structure(s) and protective surfacing that is intended for the use of children.

(y) “Posted Area” means an area posted by the Summer Village with a sign which prohibits Dogs from being in that area.

(z) “Pound” means the Regional Animal Pound established for the temporary holding of Impounded, captured, stray or other Dogs, Cats, and Animals.

(aa) “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.

(bb) “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.

(cc) “Service Dog” means a service dog as defined in the Service Dog Act.

(dd) “Tag” means a physical tag potentially issued for identification.

(ee) “Vicious Dog” means any Dog whatever its age, whether on public or private property, that 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 or municipality.
- (v) Has been deemed dangerous and vicious under The DANGEROUS DOGS ACT Chapter D-3 (Province of Alberta), which is applicable to this Bylaw.

If a Bylaw Officer or Council 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 Bylaw Officer designated under contract by the municipality may declare the Dog to be a Vicious Dog.

### **3. DOG, CAT and ANIMAL REGISTRATION**

- (a) No Owner shall keep any Dog or animal of whatever age unless the lifetime license fee of \$15.00 per animal is paid by July 31 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 that particular tax roll.
- (b) The owner of a dog shall ensure that the certificate of ownership issued pursuant to this Bylaw is in the possession of the pet owner.
- (c) The owner of a cat shall ensure that the certificate of ownership issued pursuant to this Bylaw is in the possession of the pet owner.

### **4. KEEPING of DOGS and CATS**

- (a) No Owner (property) shall keep or allowed to be keep more than three (3) Dogs and/or three (3) Cats per property 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 or keep puppies for training, breeding or any other purpose except within the confines of the three (3) dog/cat ownership as per this Bylaw. Any litter size must be reduced to comply with the provisions of this Bylaw within sixty (60) days.

## **5. NUISANCES**

### **EXCESSIVE BARKING**

- (a) The Owner shall ensure their dog(s) does not bark in a manner that is reasonably likely to annoy or disturb the peace or the quality of life or amenity for others or neighbouring properties and shall maintain reasonable quiet hours expected for any residential 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 if so posted within the municipal boundary.
- (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 ESTRUS**

- (a) Notwithstanding subsection (b), an Owner of a Dog in estrus shall, during

the entire period that such Dog is in estrus, keep the Animal 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, Bylaw or Designated Officer may capture, trap, or impound any Dog found Running at Large.
- (b) A Peace, Bylaw or Designated Officer may enter onto any land in pursuit of a Dog which is Running at Large.
- (c) A Peace, Bylaw 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, Bylaw 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, Bylaw 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, Bylaw 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, Bylaw or Designated 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, Bylaw 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, Bylaw or Designated 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, Bylaw or Designated 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,
  - (ii) notify and surrender a trapped Dog, Cat or other Animal to the Bylaw 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 Council, the Bylaw Officer or any Designated Officer determines that a Dog is a Vicious Dog, the Bylaw or designated officer may:
  - (i) give the Owner a verbal and/or written order that the Dog has been deemed to be a Vicious Dog by Council or the Designated Officer, 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 their Dog are at all times under their competent care and full control as per the provisions of this Bylaw.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) Owner of a Vicious Dog shall notify the Bylaw Officer immediately if the Dog is Running at Large.
- (f) Failure to comply with any and all of the above will secure the termination

and or removal of the animal in question within the earliest hour possible, by the Bylaw Officer or 24 hours, hence forth.

- (g) When the Owner of a Vicious Dog produces a certificate indicating that the Dog has passed the Canine Good Neighbor's Test as per the Canadian Kennel Club website requirements, and 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, harbor, train or breed any livestock, exotic pets, non-domestic 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 Bylaw or Designated Officer pursuant to this Bylaw, is guilty of an offence and will 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 by the designated Bylaw Officer, which must be paid within 30 business days.
- (c) An animal control officer is authorized to seize and impound in any animal shelter, any animal which is at large or contravenes any section of this Bylaw. The animal control officer is further authorized to take such reasonable measures as are necessary to subdue any animal which is at large, including the use of tranquilizer equipment and materials. If any such animal is injured, it shall be taken to a registered veterinarian for treatment at the cost of the owner and then to an animal shelter .

**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.

**27. RESCIND BYLAW**

Bylaw 07-2009 is hereby rescinded as well as any other animal or dog control bylaw.

**28. EFFECTIVE DATE**

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

READ a first time this 19<sup>th</sup> day of September, 2019.

READ a second time this [REDACTED] day of [REDACTED], 2019.

Given Unanimous consent to go to third reading on this [REDACTED] day of [REDACTED], 2019.

READ a third and final time on this [REDACTED] day of [REDACTED], 2019.

The Summer Village of Sandy Beach  
The Province of Alberta, Canada

\_\_\_\_\_  
Chief Elected Official

\_\_\_\_\_  
Chief Administrative Officer

**SUMMER VILLAGE OF SANDY BEACH**

**BYLAW 04-2019**

**APPENDIX "A"**

**FEE SCHEDULE**

DESCRIPTION	FEE SCHEDULE
Recognized Service Dog	No charge
Pound Fees	Rates set by Parkland County Pound Service Provider

**SUMMER VILLAGE OF SANDY BEACH**

**BYLAW 04-2019**

**APPENDIX "B"**

**SPECIFIED PENALTIES**

<b>OFFENCE</b>	<b>PENALTY, 1ST OFFENCE</b>	<b>PENALTY, 2ND AND SUBSEQUENT OFFENCE</b>
Keep or harbor more than 3 dogs	\$55	\$75
Keep or harbor more than 3 cats	\$55	\$75
Dog/Cat Running at Large	\$55	\$75
Fail to carry/produce a leash as required	\$55	\$75
Fail to use leash when directed	\$55	\$75
Excessive Noise	\$100	\$150
Dog in Prohibited area	\$55	\$75
Dog or Cat attack/threaten/chase/injure a person	\$155	\$275
Dog or Cat attack/threaten/chase/injure another animal	\$125	\$150
Dog or Cat cause damage to property	\$100	\$200
Fail to immediately remove defecation	\$55	\$75
Fail to carry/produce means of picking up defecation	\$55	\$75
Fail to comply with Day Park Area Rules	\$55	\$75
Allow Dangerous Dog to enter Day Park Area	\$135	\$145
Enter Day Park when not authorized	\$125	\$135
Fail to quarantine animal as required	\$155	\$175
Fail to notify Village of dangerous dog running at large	\$250	\$500
Fail to provide adequate food/water/care/shelter	\$155	\$175
Abuse animal or cause an animal undue hardship/privation/neglect	\$155	\$175
Subject dog to inclement weather without reprieve	\$155	\$175

Tease/torment/annoy/abuse/harass/injure an animal	\$125	\$135
Abandon an animal	\$100	\$200
Untie/loosen/free an animal	\$55	\$100
Open a gate/door/fence/structure where an animal is being confined	\$55	\$100
Entice an animal to run at large	\$55	\$75
Accumulation of fecal matter	\$55	\$100
Improper securing device	\$120	\$140
Fail to report communicable disease	\$110	\$120
Fail to confine communicable disease animal	\$155	\$165
Fail to confine an animal as directed during an outbreak	\$200	\$400
Remove/kill animal suspected of having rabies	\$100	\$200
Fail to surrender found animal as required	\$55	\$75
Interfere with animal control officer	\$55	\$75
Remove an animal from possession of animal control officer	\$55	\$75

*Council hereby authorize administration to apply these fines to the appropriate tax roll numbers if failure to pay any of these fines legally imposed within 30 business days of notice served.*