

SUMMER VILLAGE OF SUNRISE BEACH
Bylaw 76-1999

A Bylaw Of The Summer Village Of Sunrise Beach In The Province Of Alberta, For The Purpose Of Regulating And Controlling Animals Within The Corporate Limits Of The Municipality.

WHEREAS Section 7 of the Municipal Government Act R.S.A. 1994, and any amendments thereto provides for the passing of bylaw to regulate and control animals within a municipality and;

WHEREAS Council wishes to combine Bylaws 12-1989, 29-1991, 37-1992 and 75-1999 into one enforceable bylaw;

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

A. TITLE: This Bylaw shall be cited as "The Animal Control Bylaw".

B. DEFINITIONS:

1. "Animal" shall mean any domesticated animal, including but not limited to pigs, sheep, cattle, horses, or goats.
2. "Bylaw Enforcement Officer" shall mean a person appointed as such by the Council of the Summer Village of Sunrise Beach, or a Police Officer;
3. "Collar" shall mean any device made of leather, chain, etc. capable of having metal tags securely fastened to it, and designed and solely intended to be worn around the neck of a dog;
4. "Day" shall mean a continuous period of twenty-four hours, or part thereof;
5. "Dog" shall mean any canine animal, over the age of six (6) months; bitch or spayed bitch, male or neutered male (except where a dog is found running at large, the age restriction of 6 months shall not apply).
6. "Domestic Animal" shall
 - a) mean such animals that have been domesticated for agricultural use, and shall include, but not be limited to pigs, horses, sheep and chickens;
 - b) include such animals that have been domesticated and kept as pets and shall include but not be limited to pigeons, rabbits and snakes;
7. "Municipality" shall mean the Summer Village of Sunrise Beach in the Province of Alberta.
8. "Municipal Council" or "Council" shall mean the duly elected Council for the Municipal Corporation of the Summer Village of Sunrise Beach.
9. "Owner" shall mean any person, partnership or association owning, possessing or having control over any dog, harbouring any dog, or suffering or permitting any dog to remain about his or her house or premises, either temporarily or permanently.
10. "Poultry" or "Fowl" shall mean live domestic fowl including ducks, turkeys, geese, hens, and chickens.
11. "Pound" shall mean the designated place, which the Municipal Administrator for the municipality has established, for the impounding and keeping of dogs and domestic animals found running at large within the municipal boundaries.
12. "Restricted Dog" shall mean any dog, whatever its age, of the following breeds or kinds:
 - a) Pit Bull Terrier

- b) American Pit Bull Terrier
- c) Pit Bull

or any dog of mixed breeding, which can be identified through its physical characteristics as a dog partially of the above mentioned breeds or kinds by a veterinarian licensed to practice in Alberta.

13. "Running At Large" shall mean any dog or domestic animal that is off the property of its owner or harbourer, if it is on any public street, land or park, other than the area designated as "Off Leash", or if it is on private property or premises within the municipality without the permission of the owner or occupant thereof, and is not on a leash or lead under the control of a responsible person. The leash or lead shall be not more than six (6) feet long.
14. "Vicious Dog" shall mean dog of any age, including a restricted dog, which, when on or off the property of its owner:
- a) shows a propensity, disposition or potential to attack or injure, without provocation, other animals or humans; or
 - b) without provocation, chases persons who approach it; or
 - c) is a continuing threat of serious harm to other animals or humans; or
 - d) without provocation, has attacked persons or other animals.

C. LICENSING AND PROVISIONS:

1. The owner of every dog in excess of six (6) months of age shall obtain a lifetime license for same from the municipality.
2. The owner of a dog shall obtain a license for it on the first day when the municipal office is open for business after he or she becomes the owner of a dog.
3. Dog licenses must be obtained on the first day on which the municipal office is open for business after a dog reaches the age of six (6) months.
4. Dog tags must be securely fastened to the dog at all times. The said dog shall not be deemed licensed if it (the dog) is not wearing a collar with the valid tag, and owner of the said dog shall be subject to a fine for allowing an unlicensed dog to run-at-large, as per the attached "Schedule A" unless he/she (the owner) can produce, to the satisfaction of the Bylaw Enforcement Officer, the license tag or receipt for the said dog within twenty four (24) hours of notice to the owner.
5. No poultry, fowl or animals, (other than cats and dogs and other small pets,) domestic or wild, may be harboured on any property within the corporate limits of the municipality in any area zoned Residential "R".
6. The Municipal Administrator or designate for the municipality shall keep a book in which the following shall be recorded:
 - a) Name of owner
 - b) Breed, colour, sex and name of each owner's dog or dogs
 - c) Date of license purchase
 - d) The number stamped on each license tag issued to the owner
 - e) The amount of fee paid by the owner.
7. Upon losing a dog license, an owner of a dog shall apply to the municipal office for a new dog tag which will be issued to the said owner at a cost as established by "Schedule A", attached to this bylaw and said cost shall be set to cover all costs involved with the re-issuing of said tag.

D. RESTRICTIONS AND RESPONSIBILITIES

1. It shall be the responsibility of all owners of dogs or domestic animals to ensure that:

- a) the dog or domestic animal is not permitted to run-at-large, except in areas designated as "Off Leash" areas and then the regulations regarding that area must be complied with. No vicious or restricted dogs are allowed to make use of the "Off Leash" area. They must be kept on leash at all times when off the owner's premises or property.
- b) the dog or domestic animal is not allowed to howl or bark excessively or in such manner as to disturb the quiet of any person or persons;
- c) the dog or domestic animal has obtained all necessary vaccinations;
- d) no dog or domestic animal that is suffering from a communicable disease shall be allowed to run-at-large or come in contact with other animals or humans. The owner of said diseased dog or animal shall ensure that said diseased dog or domestic animal is kept locked up securely;
- e) any female dog shall be confined during the whole of the period when such dog is in heat;
- f) no dog or domestic animal shall be permitted to be a public nuisance by:
 - i) biting or chasing people
 - ii) biting, barking at or chasing bicycles or automobiles
 - iii) biting, barking at or chasing livestock
 - iv) causing damage to public property, including but not limited to the upsetting of waste receptacles or scattering the contents thereof. When public property is damaged by a dog, its owner shall be deemed to have failed or refused to have complied with the requirements of this subsection and, upon summary conviction thereof shall, in addition to any penalty imposed upon him, be civilly liable to the municipality for any expense directly or indirectly incurred by it in connection with the receptacle being upset or the waste scattered abroad;
 - v) causing any harm or damage to any other dog or domestic animal.

The owner of any dog deemed to be a public nuisance may be fined as specified by "Schedule B", and ordered by a Magistrate or Justice of the Peace to muzzle or confine said dog, for such period of time as is determined by said Magistrate or Justice of the Peace.

- g) If a dog or domestic animal defecates on any public property or private property other than the property of its owner, the owner shall cause such defecation to be removed immediately.
 - h) A blind owner of a registered guide dog is not subject to the obligations imposed in subsection (g)
2. The owner of any dog defined as a Vicious Dog under this bylaw shall:
- a) maintain in force a policy of liability insurance, in a form satisfactory to the administration of the municipality, providing third party liability coverage in a minimum amount of \$1,000,000.00 for injuries caused by the owner's restricted dog;
 - b) ensure the liability policy contains a provision requiring the insurer to immediately notify the municipality in writing should the policy expire or be cancelled or terminated;
 - c) provide the municipality with a copy of the current liability coverage policy to be retained on file.
 - d) At all times while a restricted dog is on the premises of its owner, the owner shall:
 - i) either keep such dog confined indoors under the effective control of a person over the age of sixteen (16) years, or
 - ii) confined in a securely enclosed and locked pen, or other structure, constructed to prevent the escape of the restricted dog, and capable of preventing the entry of young children.
 - iii) such pen shall have secure sides and a secure top, and if it has no bottom secured to the sides, the sides must be embedded in the ground to the minimum depth of one (1) foot

- iv) when any restricted dog is off the premises of the owner, the owner shall securely muzzle such dog, and either harness it or leash it securely to effectively prevent it from attacking or biting a person or animal. (This clause shall not apply when the restricted dog is in a pen meeting the requirements of subsection iii)

If it is determined that a dog is a vicious dog, either through personal observation or after an investigation initiated by a complaint, the owner shall be notified in writing and be required to comply with the controls required for a vicious dog as outlined in this bylaw.

3. No person shall:

- a) hinder, delay or obstruct any person or persons employed by the municipality, engaged in taking to the pound any dog or domestic animal liable to be impounded under the provisions of this bylaw, or serving notice;
- b) remove or attempt to remove any dog or domestic animal from the possession of the Bylaw Enforcement Officer, pound keeper or any other persons authorized to enforce any of the provisions of this bylaw.
- c) induce or persuade any dog or domestic animal to enter a house or other place where it may be safe from capture by the Bylaw Enforcement Officer or other authorized persons; or otherwise assist any dog or domestic animal to escape capture.
- d) negligently or wilfully open any gate, door or other opening in a fence or enclosure in which a dog or other domestic animal has been confined, or otherwise obstruct any dog or domestic animal's confinement, thereby allowing said dog or domestic animal to run-at-large
- e) tease, torment or annoy any dog or domestic animal
- f) ignore or further neglect any dog or domestic animal found to be in distress as defined by the Animal Protection Act, Revised Statutes of Alberta 1980 in the Province of Alberta. Said dog or domestic animal shall be reported to the Bylaw Enforcement Officer or the municipal office who shall take action by powers so accorded in the Animal Protection Act.

4. No animal shall be allowed to run off leash except in that the areas legally described as Lot R6, Plan 3703 R.S. and Lot 1MR, Block 3, Plan 892 1503, owned by the Summer Village of Sunrise Beach, which shall be designated as the authorized Off Leash areas where dog owners may allow their dogs to run free of physical restraint by a leash.

The dog owners are still required to remove any defecation left by their dog when off leash.

If an organized event or activity, such as a horse shoe tournament, is in progress in an area then, for the length of the organized event, permission for off-leash activity is temporarily interrupted.

No dog that is identified as a vicious or restricted dog may be let off-leash at any place within the Summer Village of Sunrise Beach.

E. IMPOUNDMENT

- 1. The Municipal Administrator shall establish one or more pounds for the impounding or keeping of dogs or domestic animals captured.
- 2. Each dog or domestic animal impounded under the provisions of this bylaw shall be subject to impounding fees as set down by the Pound Keeper. These fees shall apply for each and every day of confinement to a maximum of seventy two (72) hours, unless the dog or domesticated animal is tattooed or micro-chipped in which cases the confinement shall be to a maximum of ninety six (96) hours.
- 3. After the confinement period, if no person shall appear at the pound to claim the dog or domestic animal, such dog or domestic animal shall be disposed of by sale, adoption or destroyed. The purchaser of the dog shall obtain full right and title to it and the right and title of the former owners shall cease thereupon.

- 4. The Bylaw Enforcement Officer shall attempt, to the best of his/her abilities, to ascertain the name of the owner of any impounded dog or domestic animal. Upon obtaining the name of the said owner, the Bylaw Enforcement Officer or Pound Keeper shall serve said owner with a Notice of Impoundment, either by serving said notice personally or by sending said notice by registered mail to the last know address of said owner.

F. PENALTIES

- 1. The Bylaw Enforcement Officer or police officer may enforce the provisions of the bylaw and will issue an offence ticket in the amount of the stipulated voluntary penalty as provided in Schedule "B". Payment of the stipulated voluntary penalty may be made in lieu of prosecution.
- 2. 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 with any adult member of the family of the owner or harbourer who is at least sixteen (16) years of age, or by sending the offence ticket to the alleged offender by registered mail to his last known post office address.
- 3. In the event that an offence ticket remains unpaid for a period of fourteen (14) days, the alleged offender shall be liable to prosecution in the ordinary way for the offence alleged to have been committed.
- 4. 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, judgement.
- 5. Any person who violates any provision of this bylaw for which a stipulated voluntary penalty has not been established by Schedule "B" shall be liable to a voluntary penalty of \$100.00 and upon summary convection, to a fine of not less than \$100.00 nor more than \$2,500.00 and in default of payment, judgement.
- 6. Any person to whom an offence ticket has been issued may exercise his rights to defend any charge of committee a contravention of any of the provisions of this bylaw.

G. RELEASE OF ANIMALS

- 1. All licenses, fines and fees are to be paid before any dog or domestic animal is released from the Pound.

This Bylaw hereby rescinds Bylaw number 12-1989, 29-1991, 37-1991 and 75-1999 and any other Animal Control Bylaw or Dog Control Bylaw of and for the Summer Village of Sunrise Beach and shall come into full force and effect on January 1, 2000.

READ a first time in Council this 6th day of December, 1999.

READ a second time this 6th of December, 1999.

UNANIMOUSLY CONSENTED TO AND READ a third and final time this 6th day of December, 1999.

Mayor

Municipal Administrator

SCHEDULE "A"

Dog License Fees and Pound Fees

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|----|---|--------------------------|
| 1. | Each unspayed female dog or unneutered male dog | \$35.00 lifetime license |
| 2. | Where a female dog be spayed or a male dog be neutered, the owner, upon production of a certificate from a duly qualified veterinary surgeon as proof of such dog being spayed or neutered. | \$25.00 lifetime license |
| 3. | Dog Guides/Seeing Eye Dogs | No charge |
| 4. | Replacement Tags | \$5.00 |

POUND OR KENNEL FEES

1. The pound or kennel fees as set by the poundkeeper for every twenty-four (24) hour period or fraction thereof the dog has been impounded.

SCHEDULE "B"**STIPULATED VOLUNTARY PENALTIES FOR INFRACTIONS**

Failure to obtain a license (Section C.1)	\$50.00 first offence \$100.00 second and subsequent
Allowing a dog to run at large (Section D. 1. a)	\$40.00 first offence in a 12 month period \$60.00 second offence in a 12 month period \$100.00 third offence in a 12 month period \$500.00 fourth and subsequent offence in a 12 month period
Permitting a restricted or vicious dog to run at large (Section D. 1. 1 and D. 2. iv)	\$500.00
Failure to wear a tag (Section C. 4)	\$50.00 first offence \$100.00 second and subsequent offence
Female dog not confined when in heat (Section D. 1. 3)	\$75.00 per offence
Dog or Domestic Animal disturbing the peace (section D. 1. f)	\$100.00 first offence in a 6 month period \$200.00 second offence in a 6 month period \$300.00 third and subsequent offence in a 6 month period
Failure to remove defecation (Section D. 1. g)	\$50.00 first offence \$100.00 second and subsequent offences
Violation of any other provisions of Part D. 1 or any provision of D. 3	\$50.00 first offence \$100.00 second and subsequent offences
Failure to maintain in force a Policy of Liability insurance for Vicious Dogs (Section D. 2. a-c)	\$1,500.00 each offence
Failure to confine a restricted dog or vicious dog when on the premises of the owner in accordance with bylaw (Sections D. 2. d. i-iii)	\$500.00 per offence
Failure to muzzle or otherwise secure a restricted dog or vicious dog when off the premises of the owner (Section D.2.d.iv)	\$500.00 per offence
If a restricted or vicious dog bites or attacks a person or animal causing injury	\$1,500.00

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