

BYLAW NO. 432-16
PROVINCE OF ALBERTA
SUMMER VILLAGE OF WEST COVE

A BYLAW OF THE SUMMER VILLAGE OF WEST COVE, IN THE PROVINCE OF ALBERTA, TO REGULATE THE CONTROL OF ANIMALS

WHEREAS the *Municipal Government Act* R.S.A. 2000, c.M-26 authorizes a municipal council to pass bylaws respecting wild and domestic animals and activities in relation to them, and respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS Council deems it desirable, and in the best interests of animal owners and the public in general for the Village to regulate the control of animals within the Village;

NOW THEREFORE the Municipal Council of the Summer Village of West Cove, duly assembled, hereby **ENACTS AS FOLLOWS:**

PART 1 SHORT TITLE

1 This Bylaw may be referred to as “The Animal Control Bylaw”.

PART 2 PURPOSE

2 The purpose of this Bylaw is to regulate the control of Animals within the Village.

PART 3 DEFINITIONS

3 In this Bylaw

- (a) “Animal” means any domesticated animal including, without limitation, Household Pets and Livestock;
- (b) “Animal Control Officer” means the person appointed by the Village to carry out the provisions of this Bylaw;
- (c) “Animal Holding Facility” means the facility established for, or on behalf of, the Village for the retention of Animals apprehended by the Animal Control Officer pursuant to this Bylaw;
- (d) “At large” means off of the premises of the owner and not under the immediate, continuous and effective control of a competent person;
- (e) “Bylaw” means a Village bylaw, including any amendments thereto;
- (f) “Bylaw Enforcement Officer” means an individual appointed as such in accordance with Bylaw 235-01, the “*Bylaw Officer Position Bylaw*” (as amended);
- (g) “Chief Administrative Officer” or “CAO” means the Village’s chief administrative officer;
- (h) “Communicable Diseases” means diseases which can be passed from animal to animal, or animal to person;

- (i) "Council" means the Village's municipal council;
- (j) "Court" means the Provincial Court of Alberta;
- (k) "Dangerous Dog" means any individual Dog which when either un-muzzled, unleashed, or unattended by its Owner, or a member of its own family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack, in any Public Place;
- (l) "Dog" means a male or female of the domesticated canine species;
- (m) "Excessively Barking" means dog barking, baying, howling or the making of any other loud noise for a continuous period so as to unreasonably disturb the peace and tranquility of the neighborhood;
- (n) "Fees and Charges Schedule" means the fees and charges relevant to this Bylaw which are levied by the Animal Holding Facility for impounding of Animals pursuant to the Village's contract with such Animal Holding Facility;
- (o) "Household Pet" means a Dog, cat, or other domestic animal of a type commonly kept as a household pet;
- (p) "Livestock" means any animal typically raised in an agricultural setting to produce commodities such as food, fiber and labour and includes, without limitation, horses, cattle, swine, donkeys, mules, oxen, sheep, goats, llamas, ostriches, bison, chickens, turkeys, ducks, geese, foxes, mink, rabbits, poultry or other fowl.
- (q) "Owner" means any Person owning, possessing, having charge of or control over or harbouring any animal or Dog or suffering or permitting any Animal or Dog to remain at his/her/its house or premises;
- (r) "Peace Officer" means a Person employed for the purposes of preserving and maintaining the public peace, and includes:
 - (i) a member of the Royal Canadian Mounted Police;
 - (ii) A Community Peace Officer;
 - (iii) a provincially-appointed Special Constable, and
 - (iv) a Bylaw Enforcement Officer authorized to enforce this Bylaw in accordance with his or her appointment;
- (s) "Person" includes any individual, corporation, society, association, partnership or firm, trustee, executor, administrator, or other legal representative;
- (t) "Public Place" means any Highway, parkland, public bridge, roadway, lane, footway, square, court, alley, passageway, and includes any open space to which the public have or are permitted to have access, whether by payment or otherwise, to Village land;
- (u) "Run at Large" means an Animal that is at any place other than the property of the Owner or the property of the harboured, or is not otherwise restrained by a leash held by a person and that leash is attached to a choke chain, collar, or harness securely holding the Animal;

- (v) "Schedule" means a schedule attached to and forming part of this Bylaw;
- (w) "Trespasser" means one who intentionally and without the consent or privilege enters another's property;
- (x) "Village" means the Sumer Village of West Cove, a municipal corporation of the Province of Alberta, and includes, where the context so requires, the area contained within the boundaries of the Summer Village of West Cove;
- (y) "Vicious Dog" means:
 - (i) Any individual Dog that when unprovoked inflicts bites or attacks a human being or other animal either on public or private property;
 - (ii) Any individual Dog with a known propensity, tendency, or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or Animals;
 - (iii) Any individual Dog which attacks a human being or Animal without provocation;
 - (iv) Any individual Dog owned or harboured primarily, or in part, for the purpose of Dog fighting or any Dog trained for dog fighting; or
 - (v) Any individual Dog which has been found to be a Dangerous Dog upon three (3) separate occasions;
 - (vi) But shall not include a Dog that bites, attacks or menaces a Trespasser on the property of its Owner provided that on such property is posted a warning sign or signs, or that harms or menaces anyone who has tormented or abused it, or is a professionally trained Dog for law enforcement or guard duties.

PART 4 CONTROL OF ANIMALS

Permitted Animals

4 No Animals, other than Household Pets, may be kept or harboured on any property within the Village. Without limiting the generality of the foregoing, no Person shall keep or harbor Livestock within the Village unless the Person holds a Development Permit that authorizes such activities.

5 No Person or Owner shall harbor more than three (3) Household Pets of one kind and of whatever sex at one and the same time in any house, shelter, room or place within the Village.

Prohibited Animals

Dogs Running at Large

6 No Person or Owner shall permit any Animal to Run at Large within the Village.

No Interference with Animal Control Officer

7 No Person is eligible to remove, and shall not remove or attempt to remove, any Animal from the possession of the Animal Control Officer or the Animal Holding Facility, prior to having paid the outstanding fines or fees payable in respect of this Bylaw for said Animal.

8 No Person, whether or not he/she is the Owner of the Animal being pursued by the Animal Control Officer shall:

- (1) Interfere with or attempt to obstruct an Animal Control Officer from enforcing the provisions of this Bylaw;
- (2) Induce any Dog, Household Pet, or Animal, to enter a house or place where it may be safe from capture or otherwise assist the Dog, Household Pet or Animal, to evade capture;
- (3) Falsely represent himself/herself as being in control of a Animal, so as to establish that the Animal is not Running at Large; or
- (4) Unlatch or open the vehicle in which an Animal captured for impounding has been placed so as to allow the Animal to escape.

Impounding

9 A Peace Officer may capture or impound any Animal that is found to Run at Large, or which is required to be impounded pursuant to any provincial or federal law.

10 Council shall make arrangements for one or more Animal Holding Facilities for the keeping of impounded Animals captured for violation of this Bylaw. Council is hereby empowered and authorized to make such rules and regulations as they consider necessary for the operation of said Animal Holding Facilities, and for Peace Officers and other such persons as are necessary for the carrying out of the provisions of this Bylaw.

11 The Animal Holding Facility's keeper and other such persons authorized by Council to confine all Animals captured for violation of this Bylaw in the Animal Control Facility subject to the Owner's right to reclaim that Animal within seventy-two (72) hours from the time of impounding upon paying the Animal Holding Facility's keeper the amounts set out for each Animal impounded. Any Animal not reclaimed within the time specified herein may be sold, destroyed, adopted or otherwise disposed of.

12 Impoundment fees shall be as per the Fees and Charges Schedule for each day of confinement.

13 No Animal shall be released until all fees incurred are paid in full.

Female Animals in Heat

14 It is the duty of the Owner (and, if not one and the same, the occupant(s) of any house or premises in which any female Animal is kept or allowed to remain) to keep female Animals housed and confined to such house or residence during the whole period of time during which the Animal is in heat.

Excessive Barking

15 It is the duty of the Owner (and, if not one and the same, the occupant(s) of any house or premises in which any Dog is kept or allowed to remain) to ensure that a Dog is not Excessively Barking.

Removal of Defecation

16 No Animal shall be permitted or allowed to defecate on any Public Property, or private property other than the property of its Owner. If a Animal does defecate on any Public Property, or private property other

than the property of the Owner, the Owner shall cause the excrement of such defecation to be removed immediately.

Communicable Diseases

17 An Owner of an Animal that is suffering from a Communicable Disease shall ensure that said Animal is not permitted to come into contact with other Animals, Dogs, or humans.

18 An Owner of an Animal suspected of having rabies shall:

- (1) Immediately report the matter to the appropriate Provincial health authority or the Village;
- (2) Confine or isolate the Animal in such a manner as prescribed so as to prevent further spread of the disease; and
- (3) Keep the Animal confined indefinitely subject to the final disposition of the Provincial health authority.

PART 5 VICIOUS DOGS

19 The Owner of a Dog, which the Owner has reason to believe to be a Vicious Dog, shall keep such Dog in accordance with Section 21 of this Bylaw.

20 If a Peace Officer determines that a Dog is a Vicious Dog, either through personal observation or after an investigation initiated by a complaint, he or she may, in writing:

- (1) Inform the Owner that his/her Dog has been determined to be a Vicious Dog; and
- (2) Require the Owner to keep such Dog in accordance with Section 21 of this Bylaw; and
- (3) Inform the Owner that if the Vicious Dog is not kept in accordance with Section 21 of this Bylaw, the Owner will be fined, or subject to enforcement pursuant to Schedule 1 of this Bylaw.

21 The Owner of a Dog determined to be a Vicious Dog pursuant to this Bylaw shall take the following precautions in respect of the Vicious Dog:

- (1) At all times while the Vicious Dog is on the premises of its Owner, the Owner shall either keep such Vicious Dog confined indoors, or, if outdoors, confined in a securely enclosed and locked pen or other structure constructed to prevent the escape of the Vicious Dog, and suitable to prevent the entry of young children. Any such outdoor pen shall have secure sides and a secure top and, if it has no bottom secured to the sides, the sides must be embedded into the ground to a minimum depth of one (1) foot;
- (2) When any Vicious Dog is off the premises of the Owner, the Owner shall securely muzzle the Vicious Dog and ensure that it is restrained by a leash which effectively prevents it from attacking or biting people or other animals;
- (3) The Owner shall take all necessary steps to ensure that the Vicious Dog does not bite, chase, threaten, or attack any person or other animal, whether the person or animal is on the property of the Owner or not; and

(4) The Owner shall not permit the Vicious Dog to Run at Large.

PART 6 INTERFERENCE WITH ANIMALS

22 No Person shall:

- (1) Untie, loosen, or otherwise free an Animal which has been tied or otherwise restrained; or
- (2) Tease or torment an Animal or otherwise provoke an Animal to bark, bite, chase, or otherwise threaten any Person or Animal; or
- (3) Negligently or willfully open a gate, door or other opening in a fence or enclosure in which an Animal has been confined and thereby allow an Animal to Run at Large within the Village.

PART 7 ANIMAL/DOG CRUELTY

23 No Person or Owner shall cause or permit an Animal in his or her care to be in distress.

24 A Person or Owner shall, with respect to an Animal in his or her care:

- (1) Ensure that the Animal has adequate food and water;
- (2) Provide the Animal with adequate care when the Animal is wounded or ill; and
- (3) Provide the Animal with reasonable protection from injurious heat or cold; and
- (4) Provide the Animal with adequate shelter, ventilation, and space.

PART 8 ENFORCEMENT

Offence

25 A person who contravenes any provision of this Bylaw is guilty of an offence.

Continuing Offence

26 In the case of an offence that is of a continuing nature, a contravention of a provision of this Bylaw constitutes a separate offence with respect to each day, or part of a day, during which the contravention continues, and a person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such separate offence.

Fines and Penalties

27 A Person who is guilty of an offence under this Bylaw is liable:

- (1) to a fine as prescribed in Schedule A; or
- (2) on summary conviction, to a fine not exceeding \$10,000.00 or to an order of imprisonment for not more than 1 year, or both.

Municipal Violation Tag

28 A Peace Officer, or Bylaw Enforcement Officer, may issue, with respect to an offence under this Bylaw, a Municipal Violation Tag specifying the fine amount established by this Bylaw.

29 Where a Municipal Violation Tag is issued, the fine amount indicated thereon may be paid as directed in lieu of prosecution.

Violation Ticket

30 A Peace Officer, or Bylaw Enforcement Officer, may issue, with respect to an offence under this Bylaw, a Violation Ticket:

- (1) specifying the fine amount established by this Bylaw; or
- (2) requiring an appearance in court without the option of making a voluntary payment.

31 Where a Violation Ticket specifies a fine amount, a voluntary payment equal to the specified fine amount may be made as directed.

Service of Notice in respect of Violation Ticket

32 A Violation Ticket issued to any Person in respect of this Bylaw shall be deemed to be sufficiently served if:

- (1) Served personally on the Owner of the Animal;
- (2) Mailed by registered or other recorded mail to the address of the Owner as recorded on the Village Tax Roll; or
- (3) Left at the residence of the accused Person in care of a person who appears to be at least 18 years of age.

PART 9 GENERAL

Power of the Chief Administrative Officer

33 Without restricting any other power, duty or function granted by this Bylaw the CAO may:

- (1) Receive any Animal into protective care pursuant to a fire, flood, or other reason;
- (2) Retain an Animal temporarily;
- (3) Carry out any inspections to determine compliance with this Bylaw;
- (4) Take any steps or carry out any actions required to enforce this Bylaw;
- (5) Take any steps or carry out any actions required to remedy a contravention of this Bylaw;
- (6) Establish investigation and enforcement procedures with respect to residential, commercial, industrial or other types of property and such procedures may differ depending on the type of property in question;
- (7) Establish forms for the purpose of this Bylaw; and
- (8) Delegate any powers, duties or functions under this Bylaw to an employee or contractor of the Village.

Severability

34 Should any provision of this Bylaw be invalid, then such provision shall be severed and the remainder of the Bylaw shall remain in force.

Number and Gender References

35 All references in this Bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female Person, or a corporation or partnership.

Liability

36 The Village, any Designated Officer or any Person who inspects any Property under this Bylaw, or any Person who performs any work on behalf of the Village to remedy a contravention of this Bylaw is not liable for any damages caused by the inspection, the work or disposing of anything to complete the work set out in the order.

Enforcement of this Bylaw

37 The Village is not required to enforce this Bylaw. In deciding whether to enforce this Bylaw, the Village may take into account any practical concerns, including available municipal budget and personnel resources.

PART 10 BYLAW COMING INTO EFFECT

38 This Bylaw takes effect on the final passing thereof and, on such final passing, Bylaw 270-06 is hereby repealed.

READ A FIRST TIME IN COUNCIL	THIS 15 th DAY OF December 2016
READ A SECOND TIME IN COUNCIL	THIS 15 th DAY OF December 2016
READ A THIRD TIME IN COUNCIL	THIS 15 th DAY OF December 2016

SUMMER VILLAGE OF WEST COVE

Ren Giesbrecht
Mayor

Wendy Wildman
Chief Administrative Officer

SCHEDULE A

TO ANIMAL CONTROL BYLAW 432-16

Offence	Section	Specified Penalty (1 st Offence) (Dollars)	Specified Penalty (2 nd or subsequent Offence) (Dollars)
PART 4			
Harbouring prohibited animals	4	100	200
Having an excess of three pets	5	100	200
Permitting a Dog to Run at Large	6	100	200
Removal of an animal from custody by Animal Control Officer	7	150	300
Interfere with Capture	8	150	225
Failure to Confine a Female dog in heat	14	150	225
Excessive Barking	15	100	200
Failure to remove excrement from defecation	16	100	200
Failure to take precautions with a Dog suffering from Communicable Disease	18	150	225
Failure to take required steps for a Dog suspected of Rabies	19	150	225
PART 5			
Failure to confine a Vicious Dog	21(1)	300	500
Failure to muzzle or otherwise restrain a Vicious Dog when off premises	21(2)	300	500
Failure to take steps to prevent biting, chasing, threatening or attacking by Vicious	21(3)	500	1000
Permitting a Vicious Dog to Run at Large	21(4)	300	500

Offence	Section	Specified Penalty (1 st Offence) (Dollars)	Specified Penalty (2 nd or subsequent Offence) (Dollars)
An Owner who commits three or more offences listed in Part 5 will be issued a compulsory Court notice and, upon conviction will be subject to a fine of not more than \$2,500 and not less than \$1,000.			
PART 6			
Untie, loosen or otherwise free a restrained Animal	22(1)	150	225
Tease or torment an Animal	22(2)	150	225
Open a gate, door or fence to allow an Animal to Run at Large	22(3)	150	225
PART 7			
Permit an Animal to be in distress	23	500	1000
Failure to provide adequate food and water	24(1)	500	1000
Failure to provide adequate care to a wounded or ill Animal	24(2)	500	1000
Failure to provide reasonable protection from Heat or Cold	24(3)	500	1000
Provide the Animal with adequate shelter, ventilation and space	24(4)	500	1000