

SUMMER VILLAGE OF JARVIS BAY

BY-LAW # 122-12

A Bylaw of the Summer Village of Jarvis Bay, in the Province of Alberta, to provide for the regulating, controlling and confinement of dogs.

WHEREAS pursuant to the provisions of sections 7 and 8 of the *Municipal Government Act*, 2000, Chapter M-26, as amended, a Municipal Council may pass By-laws respecting domestic animals and activities in relation to them;

AND WHEREAS, the Council of the Summer Village of Jarvis Bay deems it necessary to provide for the regulating, control and confinement of dogs running at large within the Summer Village;

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

1. **TITLE**

1.1 This By-law may be known as "The Animal Control By-law".

2. **INTERPRETATION AND APPLICATION**

2.1 In the By-law unless the context otherwise requires:

- a) **"Administrator"** means the Administrator for the Summer Village of Jarvis Bay and whatever subsequent title may be conferred on that officer by Council or Statute.
- b) **"By-law Enforcement Officer"** means a person or persons appointed as such by Council whose duties entail carrying out the provision of this By-law.
- c) **"Control of Dogs"** means that dogs are on a leash or otherwise restrained by a permitted leash held by a person, and that permitted leash is attached to a choke chain, collar or harness securely holding that animal. If it is difficult for a person to restraint he animal by a permitted leash, then the animal shall be deemed to be "at large" notwithstanding the presence of a permitted leash.
- d) **"Day"** means a continuous period of twenty-four (24) hours.
- e) **"Dog"** means either a male or female canine.
- f) **"Kennel"** shall mean a dwelling, shelter, room or place so considered housing or keeping four (4) or more dogs over the age of four (4) months with the provisions of this By-law.
- g) **"Owner"** means:
 - i. a natural person or body corporate who has legal title to the dog
 - ii. a person who has the care, charge, custody, possession or control of a dog
 - iii. a person who owns or harbors a dog
 - iv. a person who claims and receives a dog from an animal shelter.

- h) ***“Peace Officer”*** means:
 - i. a member of the Royal Canadian Mounted Police
 - ii. a member of a Municipal By-law Enforcement Officer
 - iii. a Special Constable
- i) ***“Animal Shelter”*** means a place of facility designated by the Administrator for the purpose of holding and caring for any dogs impounded under provision of this By-law.
- j) ***“Animal Shelter Keeper”*** means the owner or operator of an animal shelter.
- k) ***“At Large”*** means when a dog is off the premises of the owner and is not on a leash or under the immediate continuous and effective control of its owner or some competent person.
- l) ***“Summer Village”*** means the Municipal Corporation of the Summer Village of Jarvis Bay or the area contained within the boundary thereof as the context requires.

3. REGULATIONS

- 3.1 No dog shall be allowed to run at large in the Summer Village.
- 3.2 The owner of a dog shall not permit the dog to be or become a public nuisance by:
 - a) biting, or chasing a person;
 - b) biting, barking at, or chasing bicycles, automobiles or other vehicles;
 - c) barking, howling or otherwise disturbing any neighbors;
 - d) causing damage to property or other dogs, or
 - e) keeping a female dog which is in season at any location where the dog is a source of attention and accessible to other dogs
- 3.3 An owner of a dog who permits the dog to defecate on property other than his own shall remove forthwith any defecated matter deposited.
- 3.4 No person shall:
 - a) Untie, loosen or otherwise free a dog which has been tied or otherwise restrained.
 - b) Negligently or willfully open a gate, door, or other opening in a fence or enclosure in which a dog has been confined and thereby allow a dog to run at large in the Summer Village.
 - c) No person shall tease, torment, or annoy any dog.
- 3.5 Breach of, or failure to comply with any of the requirements of Section 3 is an offence under this By-law which may result in

prosecution or, in lieu thereof, require payment of a voluntary fine as set out in Schedule A attached hereto.

3.6 Kennel Operations

- i. shall not be permitted on residential property unless the kennel be located not less than one hundred (100) metres from any other person's property; and
- ii. further, provided that if written complaints are received by the Summer Village or damage is proven as a result of the kennel, Council may direct the person operating the kennel to move or cease to operate the same;
- iii. breach of, or failure to comply with Section 3.6 is an offence under this By-law which may result in prosecution or, in lieu thereof, require payment of a voluntary fine as set out in Schedule "A"

4. CAPTURE AND IMPOUNDMENT

4.1 By-law Enforcement Officer or Peace Officer may capture and impound any dog in respect of which the Officer believes an offense under this By-law is being or has been committed.

4.2 The Animal Shelter Keeper shall report any apparent illness, communicable disease, injury or unhealthy condition of any dog to an SPCA Officer and shall act upon his recommendations. The owner, if known, shall be held responsible for all charges resulting.

4.3 When necessary, the By-law Enforcement Officer or Peace Officer may, in attempting to capture a dog found to be in contravention of this By-law, employ the use of bait or any device or other suitable means to apprehend the dog, provided that:

- i. it is not prohibited by law; and
- ii. it is employed with due respect for humane treatment of the dog.

4.4 Where a dog is on any private property or premises without the permission of the owner or occupant, the By-law Enforcement Officer or Peace Officer may, with the permission of the property or premises to apprehend the dog.

5. INTERFERENCE AND OBSTRUCTION

5.1 No person, whether or not he is the owner of a dog which is being or has been pursued or captured, shall:

- i. interfere with or attempt to obstruct a By-law Enforcement Officer or a Peace Officer who is attempting to capture or who has captured a dog which is subject to being impounded pursuant to the provisions of this By-law.
- ii. Unlock or unlatch or otherwise open the vehicle in which dogs are kept for impoundment or have been placed so as to allow or attempt to allow a dog to escape therefrom.

5.2 Breach of, or failure to comply with any of the requirements of Section 5 is an offence under this By-law which may result in prosecution or, in lieu thereof, require payment of a voluntary fine as set out in Schedule A which is attached hereto.

6. RECLAIMING OF IMPOUNDED DOG

6.1 An impounded dog may be kept at the shelter for a period of seventy two (72) hours (Saturdays, Sundays and statutory holidays not included). During this period the owner may reclaim the dog by paying the facility, during normal working hours, an impoundment fee and boarding fee as set out in Schedule "B" of this By-law, and by paying the impound facility directly any veterinarian fees incurred during the impoundment.

6.2 The dog be retained for longer than seventy two (72) hours if, in the opinion of the Administrator, the circumstances warrant the expense.

6.3 Subject to Section 6.2, any dog not reclaimed by the owner within a period of seventy two (72) hours from the date of the impoundment (Saturdays, Sundays and statutory holidays not included) may be sold by the Animal Shelter Keeper provided such sale is not for the purpose of medical research or to a research laboratory. Any proceeds from the sale of the impounded animals shall be the property of the Summer Village.

6.4 The purchaser of a dog from the Shelter Keeper pursuant to the provisions of this By-law shall obtain full right and title to it and the right and title of the former owner of the dog shall cease there upon on or a cost recovery basis.

6.5 Any dog not reclaimed by the owner within a period of seventy two (72) hours (Saturdays, Sundays and statutory holidays not included) from the date of the impoundment, or sold by the Animal Shelter Keeper shall become the property of the Summer Village which will then instruct the Animal Shelter Keeper to destroy or otherwise dispose of the dog with no liability to the owner for the said disposition.

7. VIOLATION TAG

7.1 The By-law Enforcement Officer or Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person the By-law Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this By-law.

7.2 The Violation Tag shall be in such form as determined by the Administrator and shall state:

- i. the name and address of the offender if ascertainable
- ii. the offence and location
- iii. date of the offence
- iv. the appropriate penalty for the offence as provided in Schedule "A" or this By-law

- v. that the penalty must be paid within ten (10) days of the issuance of the Violation Tag
- vi. any other information as may be required by the Administrator

7.3 The Violation Tag may be issued to the Offender or Owner

- i. either personally
- ii. by mailing a copy to such person at their last known address, or
- iii. by leaving it for the defendant at his residence with a person on the premises who appears to be at least eighteen (18) years of age
- iv. upon retrieval of such person's dog from the Shelter.

7.4 Where a Violation Tag is issued pursuant to Section 7.1 of this By-law, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Summer Village the penalty specified on the Violation Tag.

7.5 Nothing in the By-law shall prevent the Summer Village By-law Enforcement Officer or Special Constable from immediately issuing a Violation Ticket.

8. VIOLATION TICKETS

8.1 In those cases where a Violation Tag has been issued and if the penalty specified on the Violation Tag has not been paid within the prescribed time, then a Summer Village By-law Enforcement Officer or Special Constable is hereby authorized to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act, 1988*, Chapter P-21.5, as amended, to any person who the Summer Village By-law Enforcement Officer or Special Constable has reasonable grounds to believe has contravened any provision of this By-law.

8.2 Notwithstanding Section 8.1 of this By-law, a Summer Village By-law Enforcement Officer or Special Constable is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act, supra*, to any person who contravene any provision of this By-law.

8.3 Any person to whom a Violation Ticket has been issued may make voluntary payment in respect to the Violation Ticket by delivering the Violation Ticket along with an amount equal to that specified for the offence as set out in Schedule "A" of this By-law, to the Provincial Court office specified on the Violation Ticket.

9. GENERAL

9.1 Schedule A and Schedule B is attached hereto and shall form a part of this By-law.

9.2 Should any provision of this By-law be invalid, then such invalid provision shall be severed and the remaining By-law shall be maintained.

9.3 This By-law shall come into effect on final reading and passing of the By-law

By-laws #86-00 and #86.1-03 are hereby rescinded.

READ a first time, this 12th day of December, 2012.

READ a second time, this 12th day of December, 2012.

READ a third and final time, this 12th day of December, 2012.

Mayor

Administrator

SCHEDULE A

Amount which will be accepted by the Summer Village of Jarvis Bay in lieu of prosecution:

Section 3 – Running at large & being a public nuisance, not removing defecated matter, causing a dog to run at large, teasing, tormenting, or annoying a dog.....\$ 75.00

Not permitted kennel operations (Keeping four (4) or more dogs over the age of four (4) months)..... \$ 100.00

Section 5 – Interfering with an Animal Control Officer or with the capture and impoundment of a dog.....\$ 75.00

Second or subsequent offense within a twelve (12) month period.....\$150.00

SCHEDULE B

Impound Feesas per required fees

Care and sustenance – per dayas per required fees

Veterinary feesas per expended