

SUMMER VILLAGE OF BIRCHCLIFF

DOG BYLAW NO. 187-15

A By-law of the Summer Village of Birchcliff in the Province of Alberta to provide for the regulation and control of dogs within the corporate limits of the Summer Village of Birchcliff.

WHEREAS pursuant to the provisions 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 Birchcliff 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 Birchcliff duly assembled enacts as follows:

1. SHORT TITLE

1.1 This By-law may be cited as the “Dog Control By-law”.

2. DEFINITIONS

2.1 “**Administrator**” shall mean the person appointed by Council to carry out the duties of Chief Administrative Officer for the Municipality;

2.2 “**Animal Control Officer**” shall mean a By-law Enforcement Officer, Peace Officer, member of the Royal Canadian Mounted Police, or a person or persons appointed from time to time by the Summer Village to do any act or perform any duties under this by-law.

2.3 “**At Large**” shall mean any dog not on a permitted leash and/or not under the control of a responsible and competent person and is off the property of the owner.

2.4 “**Controlled Confinement**” shall mean the confinement of a dog in a pen, cage or building, or securely tethered in a manner that will not allow the dog to bite, harm or harass any person or dog.

2.5 “**Damage to Property**” shall mean damage to property other than the owner’s property, and includes defecating or urinating on such property.

2.6 “**Dog**” shall mean a Domestic Animal of the Canidae family

2.7 “**Kennel**” shall mean a dwelling, shelter, room or place so considered housing or keeping three (3) or more dogs over the age of four (4) months with the provisions of this By-law.

2.8 “**Owner**” shall mean and include any person, group of

persons, firm or corporation:

- a) who has the care, charge, custody, possession or control of a dog;
- b) who owns or who claims any proprietary interest in a dog;
- c) who harbours, suffers or permits a dog to be present on any property owned, occupied or leased by him, or which is otherwise under his control;
- d) who claims and received a dog from the custody of the Animal Shelter or an Animal Control Officer; or

2.9 **“Owner’s Property”** shall mean any property in which the owner of a dog has a legal or equitable interest or over which the owner of an dog has been given the control or use of, by the legal or equitable owner of the property, and which property shall include, without limiting the generality of the foregoing, land, buildings and vehicles.

2.10 **“Permitted Leash”** shall mean a leash adequate to control the dog to which it is attached, and which leash shall not exceed three (3) metres on length.

2.11 **“Pound”** shall mean such place as may, from time to time, be established for the impounding and keeping of dogs in accordance with the provisions of this By-law.

2.12 **“Pound Keeper”** shall mean any person or persons duly authorized to operate a pound, and may include an Animal Control Officer.

2.13 **“Summer Village”** shall mean the Summer Village of Birchcliff.

2.14 **“Violation Ticket”** means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act*, 1988, Chapter P-21.5, as amended, and regulations thereunder.

3 KENNEL OPERATIONS

3.1 Kennel operations are not permitted within the Summer Village of Birchcliff.

3.2 Breach of, or failure to comply with Section 3.1 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 “B”.

4. DOG CONTROL PROVISIONS

4.1 An owner whose dog is at large is guilty of an offense.

4.2 An owner whose dog barks, or howls, or makes other noise, thereby disturbing the quiet or repose of any person for an excessive period of time is guilty of an offence.

4.3 An owner whose dog has caused damage to property within

the Summer Village is guilty of an offence.

- 4.4 The Summer Village may post signs in areas where dogs are not permitted, and an owner whose dog is in such an area is guilty of an offence regardless of whether or not the dog is at large.
- 4.5 The owner of a dog that is a public nuisance by
- a) biting, attempting to bite, or chasing people; and
 - b) causing any harm or damage to any other dog or animal belonging to other persons; or
 - c) bites, barks at, or chases any vehicle shall be guilty of an offence.
- 4.6 If a dog defecates on property which is not the owner's property, the owner shall cause such defecation to be removed immediately and disposed of in a sanitary manner, and an owner who fails to do so is guilty of an offence.
- 4.7 The owner of a female dog is guilty of an offence if the dog is not kept housed and confined in a building or kennel during the entire period the dog is in heat except that the dog may be allowed outside any such building or kennel for a reasonable period for the sole purpose of eliminating on the owner's property.

5. *INTERFERENCE WITH A DOG*

- 5.1 No person shall tease, torment, annoy, abuse or injure any dog, and any person who does so is guilty of an offence.
- 5.2 No person shall untie, loosen or otherwise free a dog, which is not in distress unless such person has the authorization of the owner, and any person acting contrary to this section is guilty of an offence.

6. *RABIES CONTROL*

- 6.1 In the event of an outbreak or a threatened outbreak of rabies or any disease affecting any dog and which may be transmitted to human beings, Council may, by resolution, order and direct that all dogs shall be securely tied up by the owner or be otherwise effectively confined. Any dog found running at large in contravention of this section shall be impounded.
- 6.2 When a dog under quarantine has been diagnosed as rabid, or is suspected by a licensed veterinarian as being rabid, and dies while under such observation, the Pound Keeper shall immediately send the head of such dog to the appropriate health department for pathological examination and shall notify the Public Health Officer of reports, human contacts and diagnosis made of the suspected dog.
- 6.3 During such period of rabies quarantine as herein mentioned, every animal bitten by a dog adjudged to be rabid, shall be forthwith destroyed, or at the owner's expense and option,

shall be treated for rabies infection by a licensed veterinarian or held under quarantine by the owner in the same manner as other animals are quarantined.

- 6.4 Except as provided herein or in any other applicable legislation, no person shall kill or cause to be killed any rabid dog, any dog suspected of having been exposed to rabies, or any dog which has bitten a human; nor remove the same from the Summer Village without written permission from the Administrator.
- 6.5 The carcass of any dead dog exposed to rabies shall, upon demand, be surrendered to the Pound Keeper.
- 6.6 The Pound Keeper shall direct the disposition of any dog found to be infected with rabies.

7. *POWERS OF AN ANIMAL CONTROL OFFICER*

- 7.1 An Animal Control Officer is authorized to capture and impound in the Pound, any dog which is at large. The Animal Control Officer is further authorized to take such reasonable measures as are necessary to subdue any dog which is at large, including the use of tranquilizer equipment and materials. If any such animal is injured, it may be taken to a registered veterinarian for treatment and then to the pound.
- 7.2 No person shall interfere with, hinder or impede an Animal Control Officer in the performance of any duty authorized by this By-law, and any person who does so is guilty of an offence.
- 7.3 An impounded dog may be kept in the pound for a period of ninety-six (96) hours. Sunday and Statutory Holidays shall not be included in the computation of the ninety-six (96) hour period. During this period a dog may be redeemed by its owner, except as otherwise provided in this By-law, upon payment to the Summer Village or its authorized agent, of:
 - a) the appropriate impoundment fee as established by the Pound Keeper and/or the Administrator
 - b) the cost of any veterinary treatment to relieve pain or bleeding of any dog that is found to be injured when picked up or injured in the process of capture.
- 7.4 At the expiration of the ninety-six (96) hour period as prescribed in section 7.3 of this By-law, the Animal Control Officer is authorized to:
 - a) offer the dog for sale, or for gift;
 - b) destroy the dog in a humane manner;
 - c) allow the dog to be redeemed by its owner in accordance with the provisions to Section 7.2, herein; or
 - d) continue to impound the dog for an indefinite period of time or for such further period of time as the Animal Control Officer, in his or her discretion, may decide.

- 7.5 When, in the judgement of a licensed veterinarian, a dog should be destroyed for humane reasons, such dog may not be redeemed.
- 7.6 No action shall be taken against any person acting under the authority of this by-law for damages for the destruction or other disposal of any dog.

8. *PENALTIES*

- 8.1 Any person who contravenes any provision of this By-law is guilty of an offence and is liable to a penalty as set out in Schedule "B" of this By-law.
- 8.2 Notwithstanding Section 8.1 of this By-law, any person who commits a second offence under this By-law within one (1) year of committing the first offence may be liable to a fine of not less than nor more than the sum as set out in Schedule "B" of this By-law, while a person who commits a third or subsequent offence under this By-law within one (1) year of committing the first offence may be liable to a fine of not less than nor more than the sum as set out in Schedule "B" of this By-law.
- 8.3 Under no circumstance shall any person contravening any provision of this By-law be subject to the penalty of imprisonment.
- 8.4 Where there has been a breach of this By-law, an Animal Control Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, supra, to any person who contravened any provision of the By-law.

9. *GENERAL*

- 9.1 This By-law shall not apply to:
- a) the dog kept at a zoo, or being securely transported within a motor vehicle to or from the zoo;
 - b) the dog kept at a veterinary clinic, or being securely transported within a motor vehicle to or from a veterinary clinic.
- 9.2 Should any provision of this By-law be invalid, then such invalid provision may be severed and the remaining By-law shall be maintained.
- 9.3 Words importing the masculine gender only also include the feminine gender where the context requires.
- 9.4 Words importing the singular only also include the plural and vice versa where the context requires.
- 9.5 Schedule "B" shall form a part of this by-law

9.6 This By-law shall come into full force and effect upon passage of third reading.

Upon third reading Bylaw #144-04 is hereby rescinded.

INTRODUCED AND GIVEN FIRST READING this 22nd day of January, 2015.

GIVEN SECOND READING this 22nd day of January, 2015.

GIVEN THIRD AND FINAL READING this 22nd day of January, 2015.

Joyce Megson, Mayor

Phyllis Forsyth, Administrator

Section #	SCHEDULE “B” OFFENCE DESCRIPTION	PENALTIES
3.2	Not permitted Kennel Operations (keeping three (3) or more dogs over the age of four (4) months)	\$100.00
4.1	Owner of any dog at large	\$50.00
4.2	Owner of any dog which barks or howls or makes another noise thereby disturbing the quiet or repose of any person	\$50.00
4.3	Owner of any dog which causes damage to property	\$50.00
4.4	Owner of any dog which present in an area where the presence of dogs is prohibited by sign	\$50.00`
4.5(a)	Owner of any dog which bites, attempts to bite, or chases people	\$200.00
4.5(b)	Owner of any dog which causes harm or damage to any other dog or animal belonging to other persons	\$100.00
4.5(c)	Owner of any dog which bites, barks at, or chases any vehicle	\$50.00
4.6	Failure of owner to remove defecation immediately from property which is not the owner’s property	\$50.00
4.7	Failure of owner to keep a female dog in heat housed and confined to building or kennel	\$50.00
5.1	Teasing, tormenting, annoying, abusing, or injuring any dog	\$50.00
5.2	Untying, loosening or otherwise freeing any dog without the owners consent	\$50.00
6.1	Failure to Secure dog	\$100.00
6.3	Failure to quarantine dog	\$100.00
6.5	Failure to surrender carcass	\$200.00
7.2	Interfering with, impeding or hindering an Animal Control Officer’s enforcement of this By-law	\$100.00
8.2	Second offence within one year of the first offence	***
	Third or subsequent offence within one year of the first offence	+++
***	Double the amount of the specified penalty for the first offence	
+++	Triple the amount of the specified penalty for the first offence	