

SUMMER VILLAGE OF BIRCHCLIFF DOG CONTROL BYLAW BY-LAW #243-23

A Bylaw of the Summer Village of Birchcliff, 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 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, in the Province of Alberta duly assembled enacts as follows:

1. **TITLE**

1.1 This By-law may be known as ***“The Dog 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 Birchcliff and whatever subsequent title may be conferred on that officer by Council or Statute.
- b) ***“Animal Shelter”*** means a place or facility designated by the Administrator for the purpose of holding and caring for any dogs impounded under provision of this By-law.
- c) ***“Animal Shelter Keeper”*** means the owner or operator of an animal shelter.
- d) ***“At Large”*** means when a dog is off the premises of the owner’s property and is not on a leash held by a person able to control the animal.
- e) ***“Bite”*** means a wound to the skin causing it to bruise, puncture or break.
- f) ***“Biting”*** means force applied by an animal by means of its mouth and teeth upon a person or other animal.
- g) ***“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.
- h) ***“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 restrain the animal by a permitted leash, then the

animal shall be deemed to be “at large’ notwithstanding the presence of a permitted leash.

- i) **“Controlled Confinement”** means 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.
- j) **“Damage to Property”** means damage to property other than the owner’s property and includes defecating or urinating on such property.”
- k) **“Day”** means a continuous period of twenty-four (24) hours.
- l) **“Dog”** means either a male or female canine.
- m) **“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.
- n) **“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; or
 - iv. a person who claims and receives a dog from an animal shelter.
- o) **“Peace Officer”** means:
 - i. a member of the Royal Canadian Mounted Police;
 - ii. a member of a Municipal By-law Enforcement Officer; and
 - iii. a Peace Officer
- p) **“Permitted Leash”** means a leash adequate to control the dog to which it is attached, and which leash shall not exceed three (3) metres in length.
- q) **“Pound”** means 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.
- r) **“Pound Keeper”** means any person or persons duly authorized to operate a pound and may include an Animal Control Officer.
- s) **“Running at Large”** means any dog that is not an aggressive dog, that is:
 - i. off the premises of the Owner and not in an off-leash area; and

- ii. not on a permitted leash held by a person able to control the dog.
- t) **“Summer Village”** means the Municipal Corporation of the Summer Village of Birchcliff 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 must not leave an animal chained up, in a crate, or at large outside between the hours of 11:00 p.m. and 8:00 a.m. causing a barking disturbance.
- 3.3 The owner of a dog shall not permit the dog to be or become a public nuisance by:
 - a) biting, or attempts to bite a person;
 - b) biting, barking at, or chasing bicycles, automobiles, or other vehicles;
 - c) barking, howling, chasing people, or otherwise disturbing any neighbors;
 - d) causing damage to property;
 - e) causing harm (biting) to another dog; or
 - e) keeping a female dog which is in season (*in heat*) at any location where the dog is a source of attention and accessible to other dogs.
- 3.4 An owner of a dog who permits the dog to defecate on property other than his own shall remove forthwith any defecated matter deposited.
- 3.5 No person shall:
 - a) untie, loosen, or otherwise free a dog which has been tied or otherwise restrained 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;
 - 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; and
 - c) no person shall tease, torment, annoy, abuse or injure any dog, and any person who does so is guilty of an offence.
- 3.6 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.

3.7 Kennel Operations

- i. shall not be permitted in the Summer Village of Birchcliff;
- ii. the keeping of more than four (4) dogs over the age of four (4) months will be considered the operation of a kennel;
- iii. if written complaints are received by the Summer Village or damage is proven as a result of the kennel, Council will direct the person operating the kennel to move or cease to operate the same;
- iv. breach of, or failure to comply with Section 3.7 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. **DISEASE CONTROL (RABIES)**

- 4.1 The Owner of an animal that has caused a serious wound, or that the Owner has reason to suspect may have been exposed to rabies or another communicable disease, shall, in addition to any other duty imposed under the *Public Health Act*, immediately inform a By-law Enforcement Officer or Peace Officer:
- a) of the infliction of the serious wound or the suspicion of exposure to rabies or other communicable disease;
 - b) in the case of a serious wound, of the name and contact information for the person that has been wounded or the Owner of the animal that has been wounded, as applicable; and
 - c) whether the matter has been reported to the local community health centre, Public Health Inspector, or the Medical Officer of Health.
- 4.2 A By-law Enforcement Officer or Peace Officer that has reasonable ground to believe that an animal found at large may have, or has been, exposed to rabies or another communicable disease may confine the animal at an animal shelter, veterinary facility, or any other location as directed by the Medical Officer of Health or a Public Health Inspector.
- 4.3 A By-law Enforcement Officer or Peace Officer that has reasonable grounds to believe that an animal with the Summer Village has been exposed to rabies or another communicable disease shall report the matter to the Medical Officer of Health or a Public Health Inspector as soon as reasonably possible.
- 4.4 An Owner of an animal which is suffering from rabies or another communicable disease or who has been notified by the Summer Village that an Enforcement Officer has reasonable grounds to believe the animal has, or has been exposed to, rabies or another communicable disease shall:
- a) not permit the animal to be in any public place; and

b) not keep the animal in contact with or in proximity to any other animal.

4.5 An Owner who fails to comply with any provision in this part is guilty of an offence.

5. CAPTURE AND IMPOUNDMENT

5.1 A 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.

5.2 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.

5.3 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.

5.4 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 owner apprehend the dog.

6. INTERFERENCE AND OBSTRUCTION

6.1 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.

6.2 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; or
- 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.

6.3 Breach of, or failure to comply with any of the requirements of Section 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 which is attached hereto.

7. RECLAIMING OF IMPOUNDED DOG

- 7.1 An impounded dog may be kept at the shelter for a period of ninety-six (96) 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.
- 7.2 The dog be retained for longer than ninety-six (96) hours if, in the opinion of the Administrator, the circumstances warrant the expense.
- 7.3 Subject to Section 7.2, any dog not reclaimed by the owner within a period of ninety-six (96) 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.
- 7.4 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 or on a cost recovery basis.
- 7.5 Any dog not reclaimed by the owner within a period of ninety-six (96) 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.

8. VIOLATION TAG

- 8.1 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.
- 8.2 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" of this By-law;

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

8.3 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;
- 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; or
- iv. upon retrieval of such person's dog from the Shelter.

8.4 Where a Violation Tag is issued pursuant to Section 8.1 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.

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

9. VIOLATION TICKETS

9.1 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 Peace Officer 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 Peace Officer has reasonable grounds to believe has contravened any provision of this By-law.

9.2 Notwithstanding Section 9.1 of this By-law, a Summer Village By-law Enforcement Officer or Peace Officer 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 contravenes any provision of this By-law.

9.3 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.

10. PENALTIES

10.1 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 "A" of this By-law.

- 10.2 Notwithstanding section 10.1 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 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.
- 10.3 Under no circumstance shall any person contravening any provision of this By-law be subject to the penalty of imprisonment.
- 10.4 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 2 of the *Provincial Offences Procedure Act*, S.A. 1998, c-p-21.5, as amended.

11. GENERAL

- 11.1 Schedule A and Schedule B is attached hereto and shall form a part of this By-law.
- 11.2 Should any provision of this By-law be invalid, then such invalid provision shall be severed, and the remaining By-law shall be maintained.
- 11.3 This By-law shall come into effect on final reading and passing of the By-law.
- 11.4 This bylaw repeals and replaces By-law #187-15.

READ a first time, this 16th day of March 2023.

Roger Dufresne, Mayor

Tanner Evans, Administrator

READ a second time, this 20th day of April 2023.

READ a third and final time, this 20th day of April 2023.

Roger Dufresne, Mayor

Tanner Evans, Administrator

SCHEDULE “A”

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

SECTION	OFFENCE DESCRIPTION	PENALTY
3.1	Owner of dog at large	\$200.00
3.2	Leaving dog chained up, in a Kennel, or at large outside between 11 pm and 8 am causing a barking disturbance	\$200.00
3.3 (a)	Owner of any dog which bites, or attempts to bite a person	\$500.00
3.3 (b)	Owner of any dog which bites at, barks at, or chases vehicles	\$100.00
3.3 (c)	Owner of any dog barking, howling, disturbing any neighbours, or chases people	\$200.00
3.3 (d)	Owner of any dog causing damage to property	\$250.00
3.3 (e)	Owner of any dog causing harm (biting) to another dog	\$250.00
3.3 (f)	Owner keeping a female dog which is in season at any location where the dog is a source of attention and accessible to other dogs	\$100.00
3.4	Failure of owner to remove defecation immediately from property which is not the Owner’s property	\$100.00
3.5 (a)	Untying, loosening or otherwise freeing any dog without the Owner’s consent	\$200.00
3.5 (c)	Teasing, tormenting, annoying, abusing or injuring any dog	\$200.00
4.4	Failure to quarantine rabid dog or dog exposed to rabies or any other communicable disease	\$500.00
6.1	Interfere with, impeding or hindering an Animal Control Officer’s enforcement of this By-law	\$250.00
10.2	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

SCHEDULE “B”

Impound Feesas per required fees
Care and sustenance – per dayas per required fees
Veterinary feesas per expended