

## SUMMER VILLAGE OF HALF MOON BAY

### BY-LAW #90-99

A by-law of the Summer Village of Half Moon 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*, 1994, Chapter M-26.1, 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 Half Moon 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 Half moon Bay, in the Province of Alberta duly assembled enacts as follows:

1. **TITLE**

1.2. This By-Law may be known as "The Dog Control By-Law".

2. **INTERPRETATION AND APPLICATION**

2.2 In the By-Law unless the context otherwise requires:

- a) **"Animal Control Officer"** means a person whose duties entail carrying out the provisions of this By-Law.
- b) **"Day"** means a continuous period of twenty-four (24) hours.
- c) **"Dog"** means either a male or female dog.
- d) **"Former Owner"** means the person who at the time of impoundment was the owner of an dog which subsequently has been sold or destroyed.
- e) **"Kennel"** means a dwelling, shelter, room or place so considered housing or keeping of three (3) or more dogs over the age of four (4) months.
- f) **"Owner"** means a natural person or body corporate who has legal title to the dog, and includes any person who has possession or custody of the dog, either temporarily or permanently, or harbors the dog, or suffers the dog to remain on his premises.
- g) **"Pound"** 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

- h) ***“Running 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 or when, being on a leash or under the immediate continuous and effective control of its owner or some competent person, the dog:
  - i) bites, attacks, runs at; or attempts to bite, attack, or run at any person, or
  - ii) chases or barks at any automobile, bicycle, or other vehicle, or
  - iii) worries or annoys any other dog, or
  - iv) causes damage to property
- i) ***“Summer Village”*** means the Municipal Corporation of the Summer Village of Half Moon 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 an 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 stock, 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 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 an dog has been confined and thereby allow an 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 offense 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 to and forms part of this By-Law.

### 4. **CAPTURE AND IMPOUNDMENT**

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- 4.1 The Animal Control Officer, By-Law Enforcement Officer or Peace Officer may capture and impound any dog in respect of which:
- a) The Officer believes an offense under this By-Law is being or has been committed, or;
    - i) Is named or described or otherwise designated in a complaint by any person as being a nuisance as described under section 3.2 of this By-law.
    - ii) Is named or described or otherwise designated in a complaint made pursuant to the Dangerous Dogs Act, or:
    - iii) Is actually or apparently affected with rabies or any other contagious disease.
- 4.2 In enforcement of the jurisdiction in Section 4.1.a) but not for the purpose of investigation only, the Animal Control Officer, By-Law Enforcement Officer or Peace Officer are hereby authorized to enter any privately owned premises at any reasonable time, provided, however, that in this Section the word "Premises" does not include a building used as a dwelling house.
- 4.3 No person whether or not he is the owner of an dog which is being or has been pursued or captured shall:
- a) Interfere with or attempt to obstruct an Animal Control Officer, a By-Law Enforcement Officer or a Peace Officer of the R.C.M.P. who is attempting to capture or who has captured an dog which is subject to being impounded pursuant to the provisions of this By-Law.
  - b) Induce the dog to enter a house or place where it may be safe from capture or otherwise assist the dog to escape capture.
  - c) Falsely represent himself as being in charge or control of an dog so as to establish that the dog is not running at large.
  - d) Unlock or unlatch or otherwise open the Pound van or vehicle in which dogs kept for impoundment have been placed so as to allow or attempt to allow an dog to escape therefrom.
  - e) Breach of, or failure to comply with any of the requirements of Section 6 is an offense 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 to and forms part of this By-Law.

5. **NOTIFICATIONS**

- 5.1 If the Animal Control Officer knows or can ascertain the name of the owner of any impounded dog, he shall serve the owner with a copy of the Notice in Schedule B of this By-Law, either personally or by leaving it at, or mailing it to the last known address of the owner.

- 5.2 An owner of an dog to whom a Notice is mailed pursuant to the provisions of Subsection 5.1 is deemed to have received a Notice within forty-eight (48) hours of the time it is postmarked or delivered.

6. **PENALTIES - VOLUNTARY PAYMENT TICKETS**

- 6.1 Where a Peace Officer of the R.C.M.P., an Animal Control Officer, or a By-Law Enforcement Officer, believes that a person has contravened any provision of this By-Law, he may serve upon such person a tag provided by the Section either personally or by mailing or leaving the same at his last known address and such service shall be adequate for the purpose of this By-Law.
- 6.2 A tag shall be in such form as determined by the Administrator and shall state the Section of the By-Law which was contravened and the amount which is provided in Schedule A that will be accepted by the Summer Village in lieu of prosecution.
- 6.3 Upon production of a tag issued pursuant to this Section within ten (10) days from the issuance thereof together with the payment to the Administrator of the Summer Village of the fee as provided in Schedule A, the person to whom the tag was issued shall not be liable to prosecution for the contravention in respect of which the tag was issued.
- 6.4 Notwithstanding the provisions of this Section, a person to whom a tag has been issued pursuant to this Section may exercise his right to defend any charge of committing a contravention of any of the provisions of this By-Law.

7. **SUMMARY CONVICTION**

- 7.1 A person who contravenes a provision of this By-Law by doing something which he is prohibited from doing, or by failing to do something which he is required to do, or by doing something in a manner different from that in which he is required or permitted to do by this By-Law, is guilty of an offense and liable upon summary conviction to a fine of:
- (i) Not more than Two Hundred Dollars (\$200.00) or upon failure to pay the fine and costs to imprisonment for a period not exceeding ninety (90) days unless such fine and costs of committal are sooner paid.
- 7.2 The levying and payment of any fine or the imprisonment for any period provided in this By-Law shall not relieve a person from the necessity of paying any fees, charges or costs for which he is liable under the provisions of this By-Law.
- 7.3 A Provincial Judge, in addition to the penalties provided in this Section may, if he considers the offense sufficiently serious, direct or order the person that owns, keeps, maintains, or harbors an dog to stop the dog from doing mischief or causing the disturbance of nuisance complained of, or to have the dog removed from the Summer Village or to have the dog destroyed, or otherwise disposed of.

8. **RECLAIMING AND PENALTIES**

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- 8.1 The owner of any impounded dog may reclaim the dog from the Pound by paying to the Summer Village or the Animal Control Officer the fee or fees as set out and provided for in Schedule A and Schedule C of this By-Law.
- 8.2 The Pound keeper shall report any apparent illness, or communicable disease, injury or unhealthy condition of any dog to a SPCA Officer and act upon his recommendations. Notwithstanding Section 6.1 the owner, if known, shall be held responsible for all charges resulting.

9. **DISPOSAL**

9.1 The Animal Control Officer or Pound keeper shall not sell, destroy or otherwise dispose an impounded dog until the following conditions are met:

- a) After a dog is retained in the Pound for:
- (i) Five (5) days after the owner has received notice or is deemed by Section 5 to have received notice that the dog is in the Pound, when the name and address of the owner are known, or;
  - (ii) Seventy-two (72) hours, if the name and address of the owner are not known, or unless a person having the authority orders the retention or the disposal of the dog, or unless the owner of the dog makes arrangements with an Animal Control Officer for the further retention of the dog,

the Animal Control Officer may cause the dog to be sold, destroyed or otherwise disposed of.

- b) The dog may be retained for a longer period if in the opinion of the Administrator the circumstances warrant the expense.
- c) The purchaser of a dog from the Pound pursuant to the provisions of this subsection shall obtain full right and title to it and the right and title of the former owner of the dog shall cease thereupon.

10. **GENERAL**

1.1 This By-Law shall come into effect on final reading and passing of the By-Law.

**READ** a first time this 4<sup>th</sup> day of June, 1999.

**READ** a second time, as amended, this 13<sup>th</sup> day of August, 1999.

**READ** a third time, as amended, this 16<sup>th</sup> day of August, 1999.

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Mayor

Administrator

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**SCHEDULE A**

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

Section 4.	Public nuisance .....	\$35.00
Section 6.	Obstruction .....	\$35.00
Section 7	Negligence .....	\$35.00

**SCHEDULE B**

You are hereby notified that an dog bearing License No. \_\_\_\_\_ registered under the above name and address, was impounded on \_\_\_\_\_, A.D. 19 \_\_; pursuant to the provisions of By-Law #90-99 of the Summer Village of Half Moon Bay, and that unless the said dog was claimed and all impoundment charges are paid, on or before \_\_\_\_\_ 19 \_\_ the said dog will be sold, destroyed or otherwise disposed of pursuant to the said By-Law.

Animal Control Officer

\_\_\_\_\_

**SCHEDULE C**

Impoundment Fees ..... as per contracted fees  
Care and sustenance - per day ..... as per contracted fees  
Veterinary fees ..... as per expended