

SUMMER VILLAGE OF SUNBREAKER COVE

BY-LAW #96-12

A By-Law within the Corporate limits of the Summer Village of Sunbreaker Cove, in the Province of Alberta, to provide for the licensing, regulating and controlling of animals running at large.

WHEREAS, the Council of the Summer Village of Sunbreaker Cove, in the Province of Alberta deems it desirable to pass such a By-Law.

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

1. **TITLE**

This By-Law may be cited as "The Animal Control By-Law".

2. **INTERPRETATION AND APPLICATION**

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) **"Animal"** means a dog.
- c) **"Summer Village"** means the Municipal Corporation of the Summer Village of Sunbreaker Cove or the area contained within the boundary thereof as the context requires.
- d) **"Day"** means a continuous period of twenty-four (24) hours.
- e) **"Dog"** means either a male or female dog.
- f) **"Leash"** means a restraint that is less than two meters in length and made of material capable of restraining the Animal or Aggressive Dog on which it is being used.
- g) **"Owner"** means a natural person or body corporate who has legal title to the animal, and includes any person who has possession or custody of the animal, either temporarily or permanently, or harbors the animal, or suffers the animal to remain on his premises.
- h) **"Former Owner"** means the person who at the time of impoundment was the owner of an animal which subsequently has been sold or destroyed.
- i) **"Park" or "Parkland"** means any recreational land owned or controlled by the Summer Village lying within Municipal limits, includes all lands used for picnic grounds, playing fields, natural areas, or any other public open space, or publicly maintained area administered by the Summer Village, and playgrounds whether or not the management or control of such areas or facilities has been delegated to another body and includes all buildings or other improvements situated on these areas;

**SUMMER VILLAGE OF SUNBREAKER COVE
BY-LAW 96-12
PAGE 2**

- j) **“Pound”** means the Pound established for the impounding of animals as set out in this By-Law.
- k) **“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.
- l) **“Running at Large”** shall mean any Animal off the premises of the Owner and not on a Leash held by a person able to control the Animal.

3. ANIMAL CONTROL PROVISIONS

The owner of an animal is guilty of an offence if the Animal:

- a) is Running at Large;
- b) is on Park or Parkland including Glenn’s Cove and Sunset Beach where Animals are prohibited or where the Park or Parkland area contains playground apparatus and/or a sand or beach area;
- c) destroys or damages any public or private property

4. NUISANCE

- a) The owner of an animal shall not permit the animal to be or become a public nuisance by;
 - (i) Biting, or chasing a person;
 - (ii) Biting, barking at, or chasing stock, bicycles, automobiles or other vehicles;
 - (iii) Barking, howling or otherwise disturbing any neighbors;
 - (iv) Causing damage to property or other animals, or;
 - (v) Keeping a female dog which is in season at any location where the dog is a source of attention to other dogs.
- b) The Owner of a Dog or Aggressive Dog is guilty of an offence if the Dog defecates on any public or private property not owned or occupied by the Owner and the Owner fails to immediately remove the defecation.
- c) Breach of, or failure to comply with any of the requirements of Section 4 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 to and forms part of this By-Law.

5. ANIMAL CONTROL AUTHORITY

- a) ***Capturing and Impounding Dogs***

An Animal Control Officer, By-Law Enforcement Officer or Peace Officer may capture and impound any dog in

**SUMMER VILLAGE OF SUNBREAKER COVE
BY-LAW 96-12
PAGE 3**

respect of which:

- (i) He believes an offense under this By-Law is being or has been committed, or;
- (ii) Is named or described or otherwise designated in a complaint by any person as creating a disturbance, barking, howling or otherwise disturbing any person at any time during the day or night, or;
- (iii) Is named or described or otherwise designated in a complaint made pursuant to the Dangerous Dogs Act, or:
- (iv) Is actually or apparently affected with rabies or any other contagious disease.

b) ***Entering Premises***

In enforcement of the jurisdiction in Section 4.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.

6. **OBSTRUCTION**

No person whether or not he is the owner of an animal 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 animal which is subject to being impounded pursuant to the provisions of this By-Law.
- b) Induce the animal to enter a house or other place where it may be safe from capture or otherwise assist the animal to escape capture.
- c) Falsely represent himself as being in charge or control of an animal so as to establish that the animal is not running at large.
- d) Unlock or unlatch or otherwise open the Pound van or vehicle in which animals kept for impoundment have been placed so as to allow or attempt to allow an animal 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.

7. **NEGLIGENCE**

No person shall:

- a) Untie, loosen or otherwise free an animal which has been tied or otherwise restrained.

**SUMMER VILLAGE OF SUNBREAKER COVE
BY-LAW 96-12
PAGE 4**

- b) 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 in the Summer Village.
- c) Breach of, or failure to comply with any of the requirements of Section 7. 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.

8. TORMENT

No person shall tease, torment, or annoy any animal.

9. NOTIFICATIONS

- a) If the Animal Control Officer knows or can ascertain the name of the owner of any impounded animal, 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.
- b) An owner of an animal to whom a Notice is mailed pursuant to the provisions of Subsection 9.a) is deemed to have received a Notice within forty-eight (48) hours of the time it is postmarked or delivered.

10. RECLAIMING

a) *Impound Fees*

The owner of any impounded animal may reclaim the animal from the Pound by paying to an Animal Control Officer the fees as set out in Schedule C of this By-Law.

b) *Penalties*

The owner of any impounded animal may reclaim the animal from the Pound by paying to an Animal Control Officer the fee or fees as provided for in Schedule A.

- c) The Pound keeper shall report any apparent illness, or communicable disease, injury or unhealthy condition of any dog to a veterinarian and act upon his recommendations. Notwithstanding Subsection a) the owner, if known, shall be held responsible for all charges resulting.

11. DISPOSAL

The Animal Control Officer shall not sell, destroy or otherwise dispose an impounded animal 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 9 to have received

**SUMMER VILLAGE OF SUNBREAKER COVE
BY-LAW 96-12
PAGE 5**

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 Animal Control Officer may retain a dog for a longer period if in his opinion 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.

12. PENALTIES - VOLUNTARY PAYMENT TICKETS

- a) Where a Peace Officer of the R.C.M.P, an Animal Control Officer, of 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.
- b) A tag shall be in such form as determined by the Council of the Summer Village 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.
- c) 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 be liable to prosecution for the contravention in respect of which the tag was issued.
- d) 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.

13. SUMMARY CONVICTION

- a) 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

**SUMMER VILLAGE OF SUNBREAKER COVE
BY-LAW 96-12
PAGE 6**

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.
- b) 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.
- c) 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 animal to stop the animal from doing mischief or causing the disturbance of nuisance complained of, or to have the animal removed from the Summer Village or to have the animal destroyed, or otherwise disposed of.

14. EUTHANASIA

When the owner of a dog requests euthanasia and delivers the dog to the Pound, the Animal Control Officer shall perform euthanasia without charge, and under no circumstances may the dog be sold. The owner shall put his request in writing, stating he is the owner, and that the Summer Village is relieved of any liability for having carried out the request.

Bylaw 27-94 is hereby rescinded.

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

READ a first time this ___ day of _____, 2013 A.D.

READ a second time this ___ day of _____, 2013 A.D.

READ a third time and adopted this ___ day of _____, 2013 A.D.

SIGNED by the Mayor and Administrator this ___ day of _____, 2013 A.D.

Mayor

Administrator

SUMMER VILLAGE OF SUNBREAKER COVE

BY-LAW #27-94

SCHEDULE A

Amount which will be accepted by the Summer Village of Sunbreaker Cove 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 animal bearing License No. _____ registered under the above name and address, was impounded on _____, A.D. 19 __; pursuant to the provisions of By-Law #27-94 of the Summer Village of Sunbreaker Cove, and that unless the said animal was claimed and all impoundment charges are paid, on or before _____ 19 ____ the said animal 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