

## **BYLAW NUMBER 152-15**

BEING A BYLAW TO REGULATE AND CONTROL, LICENSE AND IMPOUND DOGS IN THE SUMMER VILLAGE OF WHITE SANDS.

WHEREAS THE MUNICIPAL GOVERNMENT ACT, RSA 2000, c. M-26 ENABLES COUNCIL OF A MUNICIPALITY TO PASS BYLAWS RESPECTING WILD AND DOMESTIC ANIMALS, AND ACTIVITIES IN RELATION TO THEM.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE SUMMER VILLAGE OF WHITE SANDS, IN THE PROVINCE OF ALBERTA ENACTS AS FOLLOWS:

1. THIS BYLAW MAY BE CITED AS THE "DOG BYLAW."

### **DEFINITIONS**

#### **Definitions**

2. (1) "ALTERED" means spayed or neutered.
- (2) "CONTRACTOR" means a Person or agency under contract with the Village to maintain and administer a pound facility or animal shelter for Dogs.
- (3) "DOG" means any domesticated dog.
- (4) "MINOR INJURY" means any physical injury to a domestic animal or a person, caused by a Dog resulting in bleeding, bruising, puncturing, tearing of skin or any other injury that is not life threatening, disfiguring or debilitating.
- (5) "MUNICIPAL TICKET" means a ticket issued on behalf of the Village, in a form prescribed by the Chief Administrative Officer that allows for voluntary payment to the Village of a fine amount established by this Bylaw within a set time period, in lieu of prosecution for the offence.
- (6) "OWNER" means:
  - (a) a Person who has the care, charge, custody, Possession, or control of a Dog, excluding any person who has found a Dog and has taken control of it for the purposes of locating its Owner and/or turning it over to a pound facility, animal shelter or Peace Officer;
  - (b) a Person who owns or claims a proprietary interest in a Dog;
  - (c) a Person who harbors, suffers, or permits a Dog to remain temporarily or permanently, on any property of the Owner, or under that Person's control;
  - (d) a Person who claims and receives a Dog from the custody of a pound facility, animal shelter or Peace Officer; and
  - (e) a Person to whom a license has been issued for such Dog under this Bylaw.

For the purposes of this Bylaw, a Dog can have more than one Owner at the same time, any, or all, who may be charged with offences under this Bylaw.

- (7) "PEACE OFFICER" means a Bylaw Enforcement Officer appointed by the Village to enforce the Village Bylaws and includes a member of the Royal Canadian Mounted Police, a Community Peace Officer and a Special Constable.
- (8) "PERMITTED LEASH" means a leash that is less than two (2) meters in length and made of a material capable of restraining the Dog on which it is being used.
- (9) "PERSON" includes a partnership, association or corporation.
- (10) "POSSESSION" means:
  - (a) exercising physical control over a Dog;
  - (b) having been given physical or effective control of a Dog by its Owner for the purpose of controlling the Dog for a specific period of time;
  - (c) where one or more Persons, with the knowledge and consent of the other, has physical or effective control of a Dog, it may be deemed to be in the control of all of such persons.
- (11) "PUBLIC PLACE" means any place, including privately owned or leased property, to which the public reasonable has or is permitted to have access.
- (12) "RUNNING AT LARGE" means a Dog that is off the Owner's property and is not being carried by a Person, or, is not on a Permitted Leash held by a Person able to control the Dog.
- (13) "SEVERE INJURY" means any physical injury to a domestic animal or a person caused by a Dog resulting in broken bones, lacerations requiring sutures, cosmetic surgery or is life threatening, disfiguring or debilitating.
- (14) "VILLAGE" means the Corporation of the Summer Village of White Sands or the area contained within the corporate boundaries of the Village, as the context requires.
- (15) "THREATENING BEHAVIOR" means behavior that creates a reasonable apprehension of a threat and may include barking, growling, lunging, snarling or chasing in a menacing fashion.
- (16) "VIOLATION TICKET" means a ticket issued pursuant to the Provincial Offences Procedure Act, RSA 2000, c. P-34, as amended, and any regulations thereunder.

## OFFENCES

### General Offences

3. (1) The Owner of a Dog is guilty of an offence if:
  - (a) he or she fails to ensure such Dog wears a collar when the Dog is off the Owner's property;
  - (b) such Dog is Running at Large;
  - (c) such Dog is in heat and is not confined and housed in the Owner's residence or in a licensed kennel during the whole of the heat period except for the purpose of defecating on the property of the Owner;
  - (d) such Dog defecates on any property that is not the Owner's property and the Owner fails to immediately remove such defecation. This provision shall not apply to a registered guide Dog while it is assisting a blind person.
  - (e) he or she allows any fecal matter to remain or accumulate on their property such that it causes odor, unsightliness, or has a detrimental impact on the use or enjoyment of adjacent properties;
  - (f) he or she exercises such Dog while driving or riding in a motor vehicle;
  - (g) he or she allows such Dog to be outside the passenger cab of a vehicle, whether the vehicle is parked or moving, without ensuring the Dog is secured:
    - (i) in a topper enclosing the bed of the truck;
    - (ii) in a ventilated kennel or similar device fastened securely to the vehicle, including the bed of a truck;
    - (iii) by tether in such a manner that the Dog:
      - (A) is not standing on bare metal;
      - (B) cannot jump, or be thrown, from the vehicle;
      - (C) is not in danger of strangulation; and
      - (D) cannot reach beyond the outside edges of the box of the truck.
  - (h) such Dog barks, howls or creates any other noise so as to annoy or disturb a person;
  - (i) he or she leaves such Dog unattended in any Public Place;
  - (j) such Dog destroys or damages any property that is not the Owner's property;

### Threatening Behavior Offences

4. (1) The Owner of a Dog is guilty of an offence if, whether on or off the Owner's property, if such Dog:
  - (a) exhibits Threatening Behavior toward another domestic animal, a bicycle or motor vehicle that is being operated; or
  - (b) exhibits Threatening Behavior toward a person.
- (2) Subsections (a) and (b) do not apply to Threatening Behavior by a Dog that is confined within a building or a securely fenced area from which the Dog cannot escape and which does not allow the Dog to access outside the confines of the fence.

#### **Injury Offences**

5. (1) The Owner of a Dog is guilty of an offence if such Dog:
  - (a) bites, attacks or causes Minor Injury to another domestic animal; or
  - (b) bites, attacks or causes Minor Injury to a person.
- (2) The Owner of a Dog is guilty of an offence if such Dog:
  - (a) causes Severe Injury to another domestic animal; or
  - (b) causes Severe Injury to a person.
- (3) The Owner of a Dog is guilty of an offence if such Dog:
  - (a) causes death to another domestic animal; or
  - (b) causes death to a person.

#### **Fail to Provide Information Offences**

6. (1) A person is guilty of an offence if he or she:
  - (a) provides false or misleading information to any Peace Officer;
  - (b) refuse to provide valid identification to a Peace Officer upon request while that Peace Officer is investigating any contravention of this Bylaw.

### **IMPOUNDMENT OF DOGS**

#### **Release of Impounded Dogs**

7. The Summer Village of White Sands shall arrange for a pound to be established for the keeping and impounding of Dogs and may do so by entering into an agreement with a Contractor. A Contractor or any such pound may make rules and regulations for the operation and management of the pound, provided they are not inconsistent with this Bylaw.
8. (1) A Peace Officer may seize and impound:
  - (a) any Dog Running at Large;
  - (b) any female Dog in heat not confined and housed;
  - (c) any Dog that has caused or is alleged to have caused Minor Injury or Severe Injury to a domestic animal or a person.
9. (1) The Contractor shall keep all impounded Dogs for a period of no less than three (3) days, including the day of impoundment. Sundays and Statutory holidays shall not be included in the computation of the three (3) day period. During this period, any healthy Dog may be redeemed by its Owner, upon payment to the Contractor of:
  - (a) any fees pursuant to the cost of impoundment and care while in the kennel facility which includes, but is not limited to, impound fees, vet care, procedures, and medications;
  - (b) kennel fees as specified from time to time in the contract between the Village and the Contractor for every twenty four (24) hour period or fraction thereof that the Dog has been impounded;
- (2) Any owner attempting to claim an impounded Dog shall present government issued identification to the Contractor or the staff of the impound facility.
- (3) Where an impounded Dog has not been claimed from the Contractor within the time set forth in Section 11(1), the Contractor is deemed to be the Owner of the Dog.
- (4) The purchaser of a Dog from the Contractor pursuant to the provisions of this Bylaw shall obtain full right and title to it and the title of the former Owner of the Dog shall cease upon the purchase.
- (5) The Contractor or Peace Officer shall report any apparent illness, communicable disease, injury, or unhealthy condition of any Dog to a veterinarian and act upon his recommendation, after consulting with the Owner when and if possible. The Owner of the Dog shall be responsible for all resulting costs and charges.

**Exemption for Police Service Dogs**

10. This Bylaw does not apply to a RCMP Service Dog while it is in active service.

## ENFORCEMENT AND PENALTIES

### General Enforcement Provisions Applicable to All Dogs

11. A Peace Officer is authorized to enter onto private property, other than a dwelling house, at any reasonable time for the purposes of enforcing the provisions of this Bylaw.
12. (1) No person shall:
  - (a) interfere with or attempt to obstruct a Peace Officer who is attempting to capture or who has captured any Dog in accordance with the provisions of this Bylaw;
  - (b) interfere with or attempt to obstruct a Peace Officer who is in active duty and/or investigating any provision or section of this Bylaw;
  - (c) unlock or unlatch or otherwise opens a vehicle or enclosure in which a Dog captured for impoundment has been placed, so as to allow or attempt to allow any Dog to escape there from;
  - (d) remove or attempt to remove any Dog from the possession of a Peace Officer;
- (2) No person shall:
  - (a) untie, loosen, or otherwise free a Dog which has been tied or otherwise restrained;
  - (b) open a gate, door, or other opening in a fence or enclosure in which a Dog has been confined which allows such Dog to leave the fenced area or enclosure;
  - (c) throw or poke any object into an enclosed space where a Dog is caught or confined therein.
- (3) Subsection (2)(a) and (b) shall not apply to a Peace Officer who is attempting to capture or who has captured a Dog which is subject to impoundment or seizure pursuant to this Bylaw.

### Penalties

13. (1) Any person who breaches any provision of this Bylaw is guilty of an offence and liable upon summary conviction to a penalty:

- (a) in an amount as specified in Schedule "A" hereto; or
- (b) for any offence for which there is no penalty specified, to a penalty of not less than \$500.00 and not more than \$10,000.00;

and in default of payment of any penalty, to imprisonment for up to 6 months.

- (2) Any person who commits a second or subsequent offence under this Bylaw within twelve (12) months of committing a first offence under this Bylaw, is liable to an increased penalty as set out in Schedule "A" here in and in default of payment of any penalty, to imprisonment for up to six (6) months.
- (3) For an offence that is of a continuing nature, a contravention constitutes a separate offence in respect to each day or part of day on which it continues. Any person guilty of such an offence is liable to a penalty in an amount not less than that established by the Bylaw for each such day.
- (4) Where a Peace Officer has reasonable grounds to believe that a person has contravened any provision of this Bylaw, he or she may issue and serve upon the person:
  - (a) a Municipal Ticket allowing payment of the specified penalty as set out in Schedule "A" of this Bylaw to the Village, which payment will be accepted by the Village in lieu of prosecution for the offence; or
  - (b) a Violation Ticket, allowing a voluntary payment of the specified penalty as set out in Schedule "A" of this Bylaw, or requiring a person to appear in court without the alternative of making a voluntary payment.
- (5) Nothing in this Bylaw shall prevent a Peace Officer from issuing a Violation Ticket for an offence if a person fails to pay the specified penalty on the face of a Municipal Ticket to the Village within the time specified on it.

#### **ADDITIONAL PENALTIES**

- 14. (1) A Justice, after convicting an Owner of a Dog of an offence under this Bylaw, may, in addition to the fine specified under this Bylaw, order one or more of the following:
  - (a) the Dog be designated as an Aggressive Dog;
  - (b) the Dog be euthanized;
  - (c) the Owner be prohibited from owning any dog for a specified period of time.

**GENERAL PROVISIONS**

15. A copy of a record of the Village, certified by the Chief Administrative Officer as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

**SEVERABILITY OF BYLAW PROVISIONS**

16. Each separate provision of this Bylaw shall be deemed independent of all provisions, and if any provision of this Bylaw be declared invalid, all other provisions shall remain valid and enforceable.

**REPEAL**

17. Bylaws No. 126-09 and any amendments thereto are hereby repealed.

Read a first time this 24<sup>th</sup> day of July, 2015.

Read a second time this 24<sup>th</sup> day of July, 2015.

Read a third time and passed this 24<sup>th</sup> day of July, 2015.

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MAYOR

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CHIEF ADMINISTRATIVE OFFICER



**SCHEDULE "A"**  
**PENALTIES**

|                  | <b>OFFENCE</b>  | <b>FIRST<br/>OFFENCE</b> | <b>SECOND<br/>OFFENCE</b> | <b>THIRD<br/>OFFENCE</b> |
|------------------|---|--------------------------|---------------------------|--------------------------|
| Section 3(1)(a)  | Fail to ensure Dog wears a collar   | 100                      | 250                       | 500                      |
| Section 3(1)(b)  | Dog running at large  | 100                      | 250                       | 500                      |
| Section 3(1)(c)  | Fail to confine a Dog in heat   | 100                      | 250                       | 500                      |
| Section 3(1)(d)  | Fail to remove Dog defecation   | 100                      | 250                       | 500                      |
| Section 3(1)(e)  | Allow accumulation of Dog Defecation on an owner's property                           | 100                      | 250                       | 500                      |
| Section 3(1)(f)  | Exercise Dog while riding in a vehicle  | 100                      | 250                       | 500                      |
| Section 3(1)(g)  | Fail to secure Dog outside of cab of vehicle  | 100                      | 250                       | 500                      |
| Section 3(1)(h)  | Dog barks/howls so as to annoy/disturb a person                                       | 250                      | 500                       | 750                      |
| Section 3(1)(i)  | Leave Dog unattended in a public place  | 100                      | 250                       | 500                      |
| Section 4(1)(a)  | Dog exhibits threatening behavior towards another domestic animal, bicycle or vehicle | 100                      | 250                       | 500                      |
| Section 4(1)(b)  | Dog exhibits threatening behavior towards a person                                    | 250                      | 500                       | 750                      |
| Section 5(1)(a)  | Dog bites, attacks, or causes Minor Injury to another domestic animal                 | 500                      | 750                       | 1000                     |
| Section 5(1)(b)  | Dog bites, attacks, or causes Minor Injury to a person                                | 500                      | 750                       | 1000                     |
| Section 5(2)(a)  | Dog causing Severe injury to another domestic animal                                  | 750                      | 1500                      | 2500                     |
| Section 5(2)(b)  | Dog causing Severe Injury to a person   | 1000                     | 2500                      | 5000                     |
| Section 5(3)(a)  | Dog causing death to another domestic animal  | 1000                     | 2500                      | 5000                     |
| Section 5(3)(b)  | Dog causing death to a person   | 5000                     | 10000                     | 10000                    |
| Section 6(1)(a)  | Provide false or misleading information to a Peace Officer                            | 400                      | 800                       | 1200                     |
| Section 6(1)(b)  | Refuse to provide identification to a Peace Officer                                   | 400                      | 800                       | 1200                     |
| Section 12(1)(a) | Interfere with or obstruct a Peace Officer attempting to capture a dog                | 400                      | 800                       | 1200                     |
| Section 12(1)(b) | Interfere with or obstruct a Peace Officer  | 400                      | 800                       | 1200                     |
| Section 12(1)(c) | Unlock or unlatch vehicle or enclosure to allow Dog to escape                         | 400                      | 800                       | 1200                     |
| Section 12(1)(d) | Remove or attempt to remove a Dog from a Peace Officer                                | 400                      | 800                       | 1200                     |
| Section 12(2)(a) | Untie, loosen or otherwise free a Dog   | 400                      | 800                       | 1200                     |
| Section 12(2)(b) | Open a gate, door, or open enclosure to allow dog to escape                           | 400                      | 800                       | 1200                     |
| Section 12(2)(c) | Throw/poke any object into an enclosed space where a Dog is confined                  | 400                      | 800                       | 1200                     |