

## SUMMER VILLAGE OF CASTLE ISLAND

### BYLAW 2017-03

BEING A BYLAW OF THE SUMMER VILLAGE OF CASTLE ISLAND IN THE PROVINCE OF ALBERTA FOR CONTROL OF DOMESTIC ANIMALS

**WHEREAS** under the provisions of the Municipal Government Act (Alberta) Section 7, Subsection (h), Council may pass a Bylaw for municipal purposes respecting the safety, health and welfare of people and the protection of people and property and respecting domestic animal and activities in relation to them ; and

**WHEREAS** the Council of the Summer Village of Castle Island deems it desirable and in the best interest of the residents of the Summer Village of Castle Island to pass a Bylaw to control and regulate dogs;

**NOW THEREFORE** the Council of the Summer Village of Castle Island, in council duly assembled, hereby enacts as follows:

#### 1. TITLE

1.1 This Bylaw may be cited as "The Animal Control Bylaw".

#### 2. DEFINITIONS

For the purposes of this Bylaw the following definitions shall apply:

2.1 "**Adjacent**" means land that abuts a site and land that would abut if not for a road, lanes, walkway, watercourse, utility lot, pipeline right-of-way, powerline, or similar feature.

2.2 "**Animal**" shall mean and include any domesticated animal.

2.3 "**Animal Control Officer**" shall mean any person appointed as an Animal Control Officer by Castle Island to carry out the provisions of this Bylaw.

2.4 "**CAO**" shall mean a person appointed by Council as the Chief Administrative Officer of the Summer Village of Castle Island.

2.5 "**Council**" shall mean the Council of the Summer Village of Castle Island.

2.6 "**Damage to Public or Private Property**" shall include any damage or nuisance done to public or private property.

2.7 "**Dog**" shall mean any animal of the Canidae family, regardless of the gender or age of such animal.

2.8 "**Dog at large**", "**Running at large**", or "**Run at large**" shall mean a Dog that is on any property not belonging to the Owner of said Dog and is not being restrained by a leash or is not being effectively controlled by the Owner.

2.9 "**Domestic Animal**" shall mean an animal that has been domesticated by humans so as to live and breed in a tame condition and depend on humankind for survival.

#### 2. Definitions (Continued)

- 2.10 **“Domestic Dog”** shall mean a Dog that has been domesticated by humans so as to live and breed in a tame condition and depend on humankind for survival.
- 2.11 **“Excessive barking”** shall mean no Dog shall howl, bark, or yelp excessively or in any other manner so as to unreasonably interfere with the use and/or enjoyment of one’s property.
- 2.12 **“Guard Dog”** shall mean a Dog of any age used for security purposes on land legally used for residential, commercial, or industrial purposes.
- 2.13 **“Kennel and boarding”** means development used for the breeding, boarding or training of three (3) or more domesticated animals and accessory uses.
- 2.14 **“Nuisance”** means any Dog, which by reason of:
- a) accumulation of waste;
  - b) accumulation of material contaminated by waste;
  - c) disposal of waste;
  - d) disposal of material contaminated by waste;
  - e) trespass upon property;
  - f) threat to public safety; or
  - g) noise,

Which is in the opinion of an Enforcement Officer, and having regard for all circumstances, injurious or obnoxious or likely to unreasonably injure, endanger, or detract from the comfort, repose, health, peace or safety of persons or property within the boundary of the Summer Village.

- 2.15 **“Owner”** shall mean any person over the age of eighteen (18) years, partnership, association, or corporation who has legal title or possession of a Dog or who harbours or keeps or has the care or control of a Dog.
- 2.16 **“Pound”** shall mean a place, designated by council, where Dogs that have been seized shall be kept.
- 2.17 **“Summer Village”** shall mean the municipal corporation of the Summer Village of Castle Island or the area within the boundaries of the Summer Village of Castle Island as the context requires.
- 2.18 **“Vicious Dog Sign”** shall mean signage utilized to notify any person(s) entering a property where a Vicious Dog resides.
- 2.19 **“Vicious dog”** shall mean a Dog of any age or a Guard Dog which when on or off the property of its owner:

- a) shows a propensity, disposition, or potential to attack or injure, without provocation, other animals or humans; or
- b) without provocation, chase persons who approach it; or
- c) is a continuing threat of serious harm to other animals or humans; or
- d) without provocation, has attacked a person or other animal.

2.20 **“Violation Tag”** shall mean a tag or similar document issued by the Animal Control Officer, pursuant to the Municipal Government Act, R.S.A. 2000, as amended or replaced and repealed from time to time.

2.21 **“Violation Ticket”** shall mean a ticket issued pursuant to Part II of the Provincial Offences Procedures Act, R.S.A. and regulations thereunder, as amended or replaced and repealed from time to time.

### **3. REGULATIONS**

3.1 No Owner shall cause, allow, or permit another person to cause his/her dog to be on any property not his/her own unless:

- a) a leash of sufficient strength to restrain the Dog, and not longer than 1.5 metres, is securely attached to the Dog; and
- b) the leash is being held by a person able to restrain the Dog, or the leash is securely tied to a stationary object that cannot be moved by the Dog; and
- c) the Dog cannot interfere with normal human traffic.

3.2 No Owner shall cause, allow or permit another person to cause him/her Dog while on any property, to:

- a) bark at any person; or
- b) chase any person or vehicle; or
- c) attack any person; or
- d) chase, challenge, or attack any animal owned or being kept by another person; or
- e) cause any damage or nuisance thereon.
- f) an Owner whose dog defecates on said property shall forthwith remove any defecated matter to a suitable receptacle as would not constitute a nuisance.
- g) the provisions of this Section shall not apply to those people who qualify for a Guide or care Dog.

3.3 No Owner shall cause, allow, or permit his dog to howl, bark, or yelp excessively or in any other manner so as unreasonably interfere with the use and/or enjoyment of one's property.

3.4 No Owner shall fail to immediately take all reasonable steps to quiet his/her Dog that is barking each and every time the Dog barks.

3.5 No person shall in any way permit a Dog to be in distress by:

- a) causing any unnecessary physical pain to the Dog; or
- b) neglecting to provide food, potable water, care, or shelter as is necessary to maintain the good health of the Dog; or
- c) neglecting to provide the necessary treatment for a Dog suffering from disease or injury or which is infested by any vermin or parasite; or
- d) harassing or tormenting such Dog.

#### **4. ENFORCEMENT**

4.1 Any Dog at large may be captured and seized by an Enforcement Officer and placed in a pound as provided for in this Bylaw.

4.2 An Enforcement Office may use any means necessary to capture and seize a Dog at large, provided that:

- a) No dog shall be seized on private property without the permission of the Owner of said property, except in case of fresh pursuit; and
- b) Every reasonable precaution is taken to avoid causing any bodily or harm to such Dog.

4.3 Every Dog seized under this Bylaw shall, as soon as practical, be taken to the prescribed pound and restrained therein.

4.4 No person shall in any way interfere with, or obstruct an Enforcement Officer who has seized or is attempting to seize a Dog at large, or in their performance of any other duty authorized by this Bylaw.

#### **5. NUISANCE**

5.1 Any person who keeps or harbours a Dog which constitutes a Nuisance is guilty of an offence.

5.2 Notwithstanding the provisions of Section 6.1, herein, nothing in this Bylaw shall preclude the operation of *the Stray Animal Act, RSA 2000*, as amended from time to time, or operation of any applicable Alberta Legislation.

#### **6. IMPOUNDMENT**

6.1 An Enforcement Officer shall:

- a) receive and impound any Dog seized under the provision of this Bylaw; and
- b) keep a record of such Dog on a form approved by the CAO; and
- c) ensure that any Dog so impounded is provided with sufficient food and potable water to maintenance the health and comfort of the Dog; and
- d) provide the services of a veterinarian, as soon as practical, for any Dog which appears to be ill or injured; and

- e) ensure that no dog, while impounded, is unnecessarily mistreated.
  - f) charge a fee for impoundment as specified in Schedule "A" of this Bylaw.
- 6.2 It shall be the duty of the Enforcement Officer, and such other person or persons as may be authorized by Council, to confine all Dogs captured for violation of this Bylaw in the pound subject to the Owner's right to redeem the Dog within seventy-two (72) hours from the time of impounding upon payment of any fees owed as outlined in Schedule "A" of this Bylaw to Enforcement Officer or to the Summer Village of Castle Island.
- a) Notwithstanding Section 7.1, and pursuant to Section 7(2) of the *Animal Protection Act*, as amended from time to time, if in the opinion of an Enforcement Officer, the animal appears to be a purebred animal, or if it bears an obvious identification device, tattoo, brand mark, tag, of license, the applicable time limit under Section 6.2 shall be ten (10) days after the date on which the animal was impounded.
- 6.3 The Enforcement Officer shall, if the Dog being impounded is wearing a Dog tag or any other identification, make a conscientious effort to notify the Owner that the Dog has been impounded and give said Owner a reasonable period of time to claim the Dog. An Owner may redeem an impounded Dog upon payment to the Enforcement Officer or the Summer Village of Castle Island of all fines, fees and costs as prescribed in this Bylaw prior to release to the Owner of any Dog.
- 6.4 In any case, where a Dog is found to be ill, has been injured or deemed unsuitable for adoption and it has been determined by a veterinarian or Enforcement Officer that the Dog should be euthanized, the Dog may be euthanized as soon as practical by a veterinarian or Animal Control Officer.
- 6.5 Any Dog that has been impounded for longer than the period of time prescribed in the bylaw may at the discretion of the Enforcement Officer, be adopted, placed with an Animal Rescue organization, or euthanized.

## **7. VICIOUS DOG REGULATIONS**

- 7.1 For offences where a Dog, while not on the Owner's property, and whether or not the Dog is on a leash, attacks a person or another animal or chases or challenges a person, the Dog shall be defined as a Vicious Dog for Bylaw Enforcement purposes.
- 7.2 The Summer Village of Castle Island will inform the Owner, as defined in Section 2.16, in writing as specified in Sections 9.1 through 9.3 that said Dog has been deemed vicious for Bylaw Enforcement purposes.
- 7.3 An Enforcement Officer may use any means legally at his/her disposal to capture and restrain a Vicious Dog. If, in the opinion of the Animal Control Officer, the Dog cannot be safely captured or restrained, the Animal Control Officer, may destroy the Vicious Dog by using a firearm to protect the officer, the public, or domestic animals.
- 7.4 When such Dog is not on the property of the Owner:
- a) The Dog shall be harnessed or on a leash which length shall not exceed one (1) metre and in a manner that prevents it from chasing, injuring or biting other domestic animals, livestock, or humans, as well as preventing damage to public or private property; and
  - b) The Dog shall be under control of a person who is eighteen (18) years of age or older and
  - c) The Dog shall be muzzled.
- 7.5 When such a Dog is on the property of the Owner:
- a) The Dog shall be confined indoors; or

- b) The Dog shall be kept as if the provisions of subsection 7.4 applied to such Dog while on the property of the Owner; and
  - c) The Dog shall be confined in a secure enclosure and such means a locked building, kennel or fenced area of such construction that will not allow the confined Dog or Dogs to jump, dig, or force their way out, or allow the entry of any person not in control of the Dog.
- 7.6 The Enforcement Officer shall require the Owner of a Vicious Dog to post a Vicious Dog Sign at the entrance to the Owner's property stating "VICIOUS DOG". Where a Dog is determined to be a vicious Dog pursuant to the provisions of this Bylaw, the Owner, possessor, or harbourer of such Dog shall:
- a) signage shall be posted at all points of entrance and around perimeter of said property. The signage must be deemed acceptable by the Animal Control Officer.
  - b) immediately notify the Enforcement Officer should the Dog be at large.
- 7.7 The Owner of a Vicious Dog shall take all necessary steps to ensure that such Dog does not bite, chase, or attack any person or other animal, whether the person or animal is on the property of the owner or not.
- 7.8 The Owner of a guard Dog must either keep such Dog confined indoors or confined in a securely fenced area, constructed to prevent the escape of the Dog, and capable of preventing the entry of young children. The fence shall have a minimum height of 1.82 metres. The Owner shall post, on the perimeter of the fence, warning signs of the presence of guard Dogs.

## **8. ORDERS**

- 8.1 Every Order written with respect to the Bylaw must:
- a) Indicate the person to whom it is directed;
  - b) Identify the person to whom the Order relates by municipal address or legal description;
  - c) Identify the date it was issued;
  - d) Identify how the property fails to comply with this or other Municipal Bylaws;
  - e) Identify the specific provisions of the Bylaw the person contravenes;
  - f) Identify the nature of the action required to be take to be complaint;
  - g) Identify the time within which the action must be completed;
  - h) Indicate that if the require action is not completed within the time specified, the Summer Village may take whatever action or measures necessary to remedy the contravention;
  - i) Indicate expenses and cost of any action or measures taken by the Summer Village under this section are an amount owing to the Summer Village by the person whom the Order is directed;
- 8.2 Every Order written in respect to provisions of another Bylaw must contain the same information as set out in Section 8.1, modified as necessary in the context of that Bylaw.
- 8.3 An Order pursuant to the Bylaw will be deemed to have been served on the Owner or Occupant when the Order has been:
- a) personally delivered to the Owner or Occupant;
  - b) left for the Owner or Occupant at his or her residence with a person on the premises who appears to be at least eighteen (18) years of age;
  - c) sent via registered mail addressed to the last known postal address of the Owner of Occupant; or
  - d) posted in a conspicuous place on the property referred to on the Order, when the Enforcement Officer has reason to believe:
    - i) that the Owner or Occupant to whom the Order is addressed is evading service; or

- ii) no other means of service is available
  - e) If an Order is sent via registered mail as referred to in Section 8.3 (c) then it is deemed to be received by the Owner or Occupant five (5) days after the Order was mailed.
- 8.4 A person who fails to comply with an Order under Section 8 of this Bylaw is guilty of an offence and liable, on summary conviction before a Provincial Court Judge, to fines as listed in Schedule 'A' of this Bylaw.
- 8.5 If the Enforcement Officer determined that a Vicious Dog or Guard Dog is not being kept in accordance with this bylaw the Officer may:
- a) make an application to Section 545 of the *Municipal Government Act* (Alberta), for an Order directing that the Owner keep such Dog in accordance with the Bylaw or that the Dog be removed from the Summer Village; or
  - b) make a complaint pursuant to the *Dangerous Dog Act* (Alberta) for an Order directing that the Dog be controlled, destroyed, or removed from the Summer Village.

## **9. OFFENCES AND PENALTIES**

- 9.1 A person who contravenes any Section of this Bylaw is guilty of an offence and liable, on summary conviction before a Provincial Court Judge, to fines as listed in Schedule 'A' of this Bylaw.
- 9.2 A Provincial Judge, in addition to the penalties provided in this Bylaw, may direct or order the Owner of a Dog:
- a) To prevent such Dog from doing mischief, or causing a disturbance, or a nuisance complained; or
  - b) To have the Dog destroyed or removed from the Summer Village of Castle Island; or
  - c) To comply with other any other relevant sections of this Bylaw; or
  - d) In any other manner deemed appropriate.
- 9.3 Notwithstanding Sections 8.1 and 8.3 of this Bylaw, an enforcement Officer may issue a Violation Tag to a person who the Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw:
- a) Specifying a voluntary payment as described in Schedule 'A' of this Bylaw, and
  - b) The person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay the Summer Village, Enforcement Officer, the penalty specified within the time period indicated on the violation tag.
- 9.4 A Violation Tag shall be deemed to have been sufficiently served if:
- a) Served to the accused directly or
  - b) Mailed to the address of the registered Owner of the property or person occupying a property; or
  - c) Secured to the vehicle or property in respect of which the offence is alleged to have been committed.
- 9.5 Where a Violation Tag has been issued, and the penalty specified on the Violation Tag has not been paid within the prescribed time, then an Enforcement Officer may issue violation ticket specifying that a voluntary payment be made as described in Schedule 'A' of the Bylaw.
- 9.6 Notwithstanding Section 7.1 through 7.3 of this Bylaw, an enforcement Officer may immediately issue a Violation Ticket to any person who the Enforcement Officer has reasonable grounds to believe has contravened any provisions of this Bylaw, specifying that:
- a) A voluntary payment be made as described in Schedule 'A' of this Bylaw, or

- b) If it is in the public interest to compel the accused to appear before a Judge, issue a summons respecting any offence for which a voluntary payment may be made requiring the accused to appear before a Provincial Court Judge on the initial appearance date without the alternative of making a voluntary payment.

9.7 The levying and payment of any fines shall not relieve a person from the necessity of:

- a) Immediately remedying the situation that created the violation, or
- b) Paying any fees, charges, or costs for which he is liable under the provisions of this Bylaw.

## **10. SURRENDER OF DOG**

10.1 An Owner of a dog may give up Ownership of the Dog by surrendering the Dog to the Summer Village. By surrendering the Dog to the Summer Village, the Owner is deemed to have relinquished all rights of Ownership and possession of the Dog.

10.2 To surrender a Dog to the Summer Village, the Owner shall complete a Summer Village of Castle Island form, and shall pay a surrender fee as outlined in Schedule 'A' of this Bylaw.

10.3 A Dog that has been surrendered to the Summer Village becomes the property of the Summer Village and may be kept or disposed of as the Summer Village deems appropriate, including:

- a) Placing the Dog for adoption; or
- b) Euthanasia in the case where it has been determined by a Veterinarian or Enforcement Officer that the Dog is not suitable for adoption or is found to be ill or has been injured and should be destroyed to prevent needless suffering, in which case the Dog may be destroyed as soon as practical by a veterinarian or Animal Control Officer.

## **11. NOTIFICATION**

11.1 When an Enforcement Officer attends a unattended residence, a Summer Village of Castle Island Notice of visit form, will be left on site and deemed as Notification of Visit.

## **12. EXERCISE OF DISCRETION**

12.1 The Summer Village of Castle Island has the discretion to enforce this Bylaw, and is not liable for any outcomes should an Enforcement Officer decide not to enforce this Bylaw if acting in good faith.

## **13. SEVERABILITY PROVISION**

13.1 Should any provision of this Bylaw be invalid, then such provision shall be severed and the remaining Bylaw shall be maintained.

## **14. APPLICATION**

14.1 The provision of this Bylaw shall apply to all lands within the boundaries of the Summer Village of Castle Island.

## **15. RESCINDMENT**

15.1 The Summer Village of Castle Island Bylaw #2014-03 is hereby rescinded.

## **16. EFFECTIVE DATE**





Summer Village of Castle Island Dog Control Bylaw  
2017-03

Schedule "A"

WHEREAS under the provisions of Section 44 of the *Provincial Offences Procedure Act*, being the Revised Statutes of Alberta and amendments thereto and under the provisions of Section 7 of the *Municipal Government Act (Alberta)*, R.S.A. 2000, c M-26 and amendments thereto, the Council of a municipality may by Bylaw provide for the payment fines for offences, or summons out of Court.

WHEREAS a Violation Ticket may be issued by an Enforcement Officer to any person charged with a breach of any of the provisions of this Bylaw.

<b>Bylaw Section</b>	<b>Offence</b>	<b>Fine</b>
3.1	Running at Large	\$250.00
3.2, 2.15,6	Bite, attempt to bite, bark at, chase other domestic animal or person, chase vehicle, defecate on private/public property, or cause any damage or nuisance thereon	\$250.00
3.3, 3.4	Howl or bark excessively	\$250.00
3.5	Causing harm or distress to animal	\$500.00
5.4	Obstructing an Enforcement Officer	\$1,000.00
	<b>Vicious Dogs</b>	
7.4	Failure to properly confine Vicious Dog OT on the property of the Owner	\$1,000.00
7.5	Failure to properly confine Vicious Dog on Owner's property	\$1,000.00
7.6	Failure to Notify Enforcement Officer of Vicious Dog at large	\$1,000.00
7.6	Failure to post Vicious Dog Signs	\$500.00
7.8	Failure to confine Guard Dog properly, failure to post Guard Dog signs	\$250.00
8.4	Failure to Comply with Order	\$500.00
<b>Bylaw Section</b>	<b>FEES</b>	<b>Amount</b>
6.2, 6.3	Impound Fees	\$20.00/day
10.2	Dog Surrender Fee	\$150.00
	<b>*Applicable veterinarian expenses will be added to any fine or fee specific above, where applicable.</b>	

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