

BYLAW NO. 180-2015
SUMMER VILLAGE OF YELLOWSTONE
DOG AND CAT CONTROL BYLAW

Being a Bylaw of the Summer Village of Yellowstone in the Province of Alberta to control and regulate the running at large of dogs and cats, the destroying of dogs and cats after a period of impoundment, payment of costs and expenses for impoundment, and to regulate the number of dogs and cats on residential parcels of land.

WHEREAS under authority and subject to the provisions of the Municipal Government Act, Statutes of Alberta, 2000 Chapter M-26, with amendments thereto, the Council of the Summer Village of Yellowstone, duly assembled, enacts as follows:

WHEREAS, the Council of the Summer Village of Yellowstone deems it desirable and in the best interest of the residents of the Summer Village to pass a bylaw to control and regulate the running at large of dogs and cats within the boundaries of the Summer Village, the destroying of dogs and cats after a period of impoundment, payment of costs and expenses for impoundment, and to regulate the number of dogs and cats on residential parcels of land;

NOW THEREFORE the Council of the Summer Village of Yellowstone, duly assembled hereby enacts as follows:

1.
 - i) This Bylaw may be cited as “The Summer Village of Yellowstone Dog and Cat Control Bylaw”
 - ii) This Bylaw authorizes the Council of the Summer Village to contract the services of an Animal Control Officer, and charge all expenses incurred to the property owner.
2. For the purpose of this bylaw the following definitions shall apply:
 - i) “Cat” shall mean any feline belonging to the family Felidae, which includes any male or female either wild or domestic;
 - ii) “Council” shall mean the Council of the Summer Village of Yellowstone;
 - iii) “Summer Village” shall mean the municipal corporation of the Summer Village of Yellowstone or the area within the boundaries of the Summer Village of Yellowstone as the context requires;
 - iv) “Dangerous Dog or Cat” shall mean any dog or cat which when either unmuzzled, unleashed, or unattended by its owner, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack;
 - v) “Dog” shall mean any canine animal and shall include a bitch, spayed bitch, male or neutered male;
 - vi) “Animal Control Officer” shall mean any person or bylaw or peace officer appointed by the Summer Village of Yellowstone to carry out the provisions of this bylaw;

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- vii) “Harbour” shall mean to give shelter to; protect; and/or keep more than two (2) dogs or cats at one time;
 - viii) “Owner” shall mean and include any person or group of persons who own, possess or have custody, charge or control over a dog or dogs, or a cat or cats, who temporarily or permanently harbours or permits a dog or dogs, a cat or cats to remain on or about his/her/their house or property;
 - ix) “Running at large or run at large” shall mean any dog or cat that is off the property of its owner and is not on a leash or lead and under the control of its owner;
 - x) “Vicious Animal” means:
 - a) any dog or cat with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or other animals on public or private property;
 - b) any dog or cat owned or harboured primarily or in part for the purpose of fighting or any dog or cat trained for fighting;
 - c) any dog or cat which has been found to be a “Dangerous Dog or Cat” upon three (3) separate occasions; and
 - d) no dog or cat shall be deemed “vicious” if it bites, attacks, or menaces a trespasser on the property of its owner provided that such property is posted with warning signs or harms or menaces anyone who has tormented or abused it.
3. This Bylaw shall be in full force and effect within the areas specified in Schedule “B” attached.
4. It shall be the responsibility of each owner of a dog or cat to ensure that:
- i) The dog or cat shall not run at large.
 - ii) The dog shall not bark or howl excessively or in such a manner as to disturb the quiet of any person or persons. Any person so aggrieved may appear before the Justice of Peace and swear out information charging the owner with a breach of this Bylaw.
 - iii) During the whole of any period in which a bitch is in heat the bitch shall be confined to the owner’s (owner as defined in this bylaw) house or property.
5. No person residing on a residential parcel shall keep or harbour more than two (2) dogs or 2 (two) cats of whatever sex and aged six (6) months or more at one and the same time in any house, shelter, room, or place within the Summer Village.
6. Section 5 of this bylaw does not apply to a visitor having a maximum of two adult dogs or cats at a residence in the Summer Village on a temporary basis for a maximum of fourteen days.

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7. Council shall make provision for the kept or impounded dogs or cats captured for a violation of this bylaw. The Chief Administrative Officer (or designate) shall be at liberty to make such rules and regulations as the Chief Administrative Officer (or designate) shall consider necessary for the operation of a pound or pound keepers and dog catchers and such other persons as Council deems are necessary for carrying out the provisions of this Bylaw.
8. Notwithstanding Section 7, the Council may make arrangements or agreements with the Society for the Prevention of Cruelty to Animals or any other organization or persons for the purpose of capturing and impounding dogs and cats unlawfully running at large.
9. a) Any owner who permits a dangerous dog or cat to run at large is subject to a fine as specified in Schedule "A" attached.

b) Any person who is the owner of a dog or cat which is allowed or is found running at large contrary to the provisions of this bylaw shall be guilty of an offence and shall be liable to receive a fine as per Schedule "A" attached.
10. a) No person shall keep or maintain any dog or cat which is vicious unless such dog or cat is at all times kept in an enclosure, of a size to be specified by the Summer Village. The only time that a vicious dog or cat shall be allowed out of its enclosure is:
 - i) If it is necessary for the owner to obtain veterinary care for the vicious dog or cat, or
 - ii) To sell or give away the vicious dog or cat, or
 - iii) To comply with the order of a court of competent jurisdiction.
b) The owner of any dog or cat that has been found to be a "Vicious Dog or Cat" and that is not confined to an enclosure shall be liable to a fine as specified in Schedule "A" attached or charged under the "Dangerous Dog Act".

c) For a second offence, the owner shall be charged under "The Dangerous Dog Act" and an application will be made to the courts to Have the dog or cat destroyed.

d) The owner of any dog or cat which has been found to be a vicious dog or cat and which is not confined to an enclosure shall be guilty of an offence and shall be liable to a fine as specified in Schedule "A" attached for the first offence.

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- e) Any owner or keeper of a vicious dog or cat who sells or gives away, or possesses with the intent to sell, any vicious dog or cat shall give written notice to the person who will be receiving the vicious dog or cat that the said dog or cat has been found to be a vicious dog or cat.
11. a) It shall be the duty of the pound keeper and such other person or persons as may be authorized to impound the dog or cat for a period of:
- i) three (3) days after the owner has received or has been deemed to receive notice that his/her dog or cat is in the Pound, when the name and address of the Owner are known; or
 - ii) four (4) days when the name and address of the Owner are not known.
- b) Upon having been impounded in the Pound for a period outlined above, and upon the owner not reclaiming the dog or cat in accordance with this section, the Animal Control Officer may:
- i) offer the dog or cat for sale or adoption;
 - ii) destroy the dog or cat in a humane manner;
 - iii) continue to impound the dog or cat for an indefinite period of time in the Animal Control Officer's discretion.
12. Notwithstanding Section 11, and pursuant to section 7(2) of the "Animal Protection Act", if in the opinion of the humane society or a peace officer, the dog or cat appears to be a purebred dog or cat, or if it bears an obvious identification tattoo, brand, mark, tag or license, the applicable time limit under Section 11 shall be ten (10) days after the date on which the dog or cat was delivered.
13. Any persons who hinders, delays or obstructs any authorized person or persons engaged in taking to the pound any dog or cat liable to be impounded under the provisions of this Bylaw shall be guilty of an offence and is subject to a fine as specified in Schedule "A" attached.
14. Any person removing or attempting to remove any dog or cat from the possession of the pound keeper or any other person authorized to enforce any of the provisions of this Bylaw shall be guilty of an offence and is subject to a fine as specified in Schedule "A" attached.
15. Other domestic or non-domestic animals including, but not limited to, cattle, horses, fowl, sheep, goats, buffalo, emu, lama, alpaca, pig, donkey, mule, chickens, turkeys, snakes, shall not be allowed within the Summer Village of Yellowstone unless specifically approved by the Council of the

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Summer Village of Yellowstone and with any conditions as approved by the Council of the Summer Village of Yellowstone.

16. Schedules "A" and "B" may be amended by resolution of Council.

17. Bylaw No. 154 is hereby rescinded.

Read a first time this 20th day of October, 2015.

Read a second time this 20th day of October, 2015.

Read a third and final time this 20th day of October, 2015, and passed.

SIGNED by the Mayor and Chief Administrative Officer this _____ day of _____, 2015.

Alice Solesbury, Mayor

(Seal)

Wendy Wildman, C.A.O.

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SCHEDULE "A"

Penalties to be applied for offences under Bylaw No. 180:

<u>SECTION</u>	<u>DESCRIPTION</u>	<u>FIRST OFFENCE</u>	<u>SECOND OFFENCE</u>	<u>THIRD OFFENCE</u>
5	Harbouring more than two (2) dogs or cats	\$75.00	\$150.00	\$300.00
9 a)	Dangerous Dog or Cat Running at Large	\$75.00	\$150.00	\$300.00
9 b)	Dog or Cat Running at Large	\$75.00	\$150.00	\$300.00
10	Vicious Dog or Cat Not Confined to an Enclosure	\$500.00	\$500.00	\$500.00
15	Any other domestic or non domestic animal(s)	\$500.00	\$500.00	\$500.00
Contravention of any provision of the Bylaw for which a penalty is not specified: A fine of not less than \$150.00 for the first and each subsequent offence.				

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SCHEDULE "B"

Bylaw No.180 shall be in full force and effect within the following areas of the Summer Village of Yellowstone:

All residential properties, residential subdivisions and at the discretion of the Municipal Administrator, any other property within the Summer Village where the enforcement of Bylaw No.180 is deemed necessary.