

SUMMER VILLAGE OF SILVER SANDS
BYLAW NO 232

Being a Bylaw of the Summer Village of Silver Sands for the Purpose of Regulating and Controlling Animals Within the Corporate Limits of the Municipality

WHEREAS Section 7 of the Municipal Government Act R.S.A. 2000, Chapter M-26 provides for the passing of a bylaw to regulate and control animals within a municipality; and

AND WHEREAS, the Council of the Summer Village of Silver Sands deems it expedient to license dogs in the municipality and to hold a Voluntary Animal List of all other animal that are held on property within the municipal boundary;

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

A. TITLE: This bylaw shall be cited as the “Animal Control Bylaw”.

B. DEFINITIONS:

For the purposes of this bylaw:

1. “**Animal**” shall mean any domesticated animal, including but not limited to dogs, cats, pigs, sheep, cattle, horses or goats;
2. “**At Large**” means off the premises of the owner or harbourer, not on a leash and/or not under the immediate, continuous and effective control of a competent person. Without limiting the generality of the foregoing, a wild or domestic animal shall be deemed to be at large within the Summer Village of Silver Sands if it is on any public street, land or park, or if it is on any private property or premises within the Summer Village of Silver Sands without the permission of the owner or occupant, thereof;
3. “**Bylaw Enforcement Officer**” shall mean a person appointed as such by the Council of the Summer Village of Silver Sands, a Community Peace Officer or a Police Officer;
4. “**Collar**” shall mean any device made of leather, chain, etc. capable of having metal tags securely fastened to it, and designed and solely intended to be worn around the neck of a dog;
5. “**Control**” means the animal is:
 - a. Under immediate effective control of some person and restrained by a leash not exceeding six (6) feet in length; or
 - b. Kept in a container, an enclosure or a motor vehicle;
6. “**Day**” shall mean a continuous period of twenty-four hours, or part thereof;
7. “**Dog**” shall mean any canine animal, over the age of six (6) months; bitch or spayed bitch, male or neutered male (except where a dog is found running at large, where the age restriction of 6 months shall not apply);
8. “**Guide Dog**” means a specially trained dog kept by any handicapped person for the express purpose of compensating for or ameliorating the effects of that person’s handicap;

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9. **“License”** means a tag issued by the Summer Village of Silver Sands to an owner who paid the prescribed license fee and upon registration of a dog as defined by this Bylaw. Such identification tag, together with a dated receipt for the fees constitutes a license to keep the animal described on the receipt;
10. **“Municipality”** shall mean the Summer Village of Silver Sands in the Province of Alberta;
11. **“Municipal Council”** or **“Council”** shall mean the duly elected Council for the municipal corporation of the Summer Village of Silver Sands;
12. **“Owner”** shall mean any person, partnership or association owning, possessing or having control over any dog, harbouring any dog, or suffering or permitting any dog to remain about his or her house or premises, either temporarily or permanently.
13. **“Pound”** shall mean the designated place, which the Municipal Administrator for the municipality has established, for the impounding and keeping of dogs running at large within the municipal boundaries.
14. **“Public Nuisance”** with respect to the activities of any animals includes but is not limited to:
 - a. Biting a person or persons;
 - b. Chasing people, bicycles, automobiles or other vehicles;
 - c. Excess noise such as but not limited to barking, snarling, howling or otherwise disturbing any person or animal;
 - d. Causing damage to property, other animals or person;
 - e. Upsetting waste receptacles or scattering the contents thereof
15. **“Restricted Dog”** shall mean any dog, whatever its age, of the following breeds or kinds:
 - a. Pit Bull Terrier
 - b. American Pit Bull Terrier
 - c. Pit Bullor any dog of mixed breeding, which can be identified through its physical characteristics as a dog partially of the above mentioned breeds or kinds, by a veterinarian licensed to practice in Alberta.
16. **“Vicious Animal”** means an animal of any age, breed or gender which:

Shows or demonstrates a propensity, disposition or potential to attack or bite or injure, without provocation, humans or other animals; or

 - a. Without provocation, chases, bites or attacks humans or other animals; or
 - b. Poses a continuing threat of serious harm to other animals or humans; or
 - c. Is bred or trained for the activity of “fighting”; or
 - d. Has been used by any person in the activity of “fighting”; or
 - e. Has been declared a Vicious Animal under this Bylaw or a Dangerous Animal under the Dangerous Dogs Act;
17. **“Voluntary Register”** means a listing held by the Summer Village of Silver Sands, which is acknowledgement of dogs that visit the municipality on a regular basis as their owners have property in the municipality but maintain full time residences in other municipalities and hold licenses for the animals in that municipality, and which is kept for the purpose of public safety and to facilitate return of registered animals to owner of same.

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C. LICENSING AND VOLUNTARY REGISTER

1. All persons living within the boundaries of the Summer Village of Silver Sands shall license their dog and register them with the Summer Village of Silver Sands.
2. A person who is a property owner in the Summer Village of Silver Sands but who is not a permanent resident and keeps any animal in the municipality must register the animal with the Summer Village of Silver Sands. This is for identification purposes so that the dog or cat can be returned to the owner should they be found “at large”.
3. Every person who resides in the Summer Village of Silver Sands and who is the owner or becomes an owner of a dog and every person who takes up residence or purchases a residence in the Summer Village of Silver Sands who is the owner of a dog shall register the dog at the Office of the Summer Village of Silver Sands on the first day when the Summer Village of Silver Sands Office is open for business;
4. Dog licenses must be obtained on the first day on which the Summer Village of Silver Sands Office is open for business after a:
 - a. Dog reaches the age of six (6) months; or
5. All licenses and voluntary registrations are valid for the duration of the animal’s life while in the Summer Village of Silver Sands boundary;
6. Dog identification tags must be securely fastened to the dog at all times. The said dog shall be deemed licensed. The identification tag shall be worn at all times when the animal is in public; the license shall be deem invalid if not worn by the animal; If a dog is not wearing a collar with a valid identification tag, the owner of the said dog shall be subject to a fine for allowing an un-licensed dog to be at large, as per “Schedule B” attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council;
7. Each dog is required to be licensed separately;
8. The Municipal Administrator or Designate for the municipality shall keep a book in which the following shall be recorded:
 - a. Name, address and telephone number of the Owner;
 - b. Breed, colour, sex and name of each owner’s dog
 - c. Date of license purchase
 - d. The number stamped on each license tag issued to the owner
 - e. The amount of fee paid by the owner.

Additional information that may be recorded would be any identifying marks, microchip numbers or tattoos that may be distinctive for identification purposes;

9. Should an identification tag be lost or destroyed the owner shall apply to the Summer Village of Silver Sands Office for a new identification tag which will be issued to the said owner at a cost as established in “Schedule A” attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council;
10. Non-Village residents or non-permanent residents who wish to purchase an identification tag for their dog or cat, to ensure its identification should it be at large within the Summer Village of

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Silver Sands boundary, may do so in the same manner and at a cost as established in “Schedule A” attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council;

11. In no case shall an Identification tags issued under this Bylaw be transferable from one animal to another. The owner of a dog that transfers the Identification Tag shall have committed an offence under this Bylaw, and shall be subject to a fine for the offence as per “Schedule B”, attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council;
12. A licensing fee paid to the Summer Village of Silver Sands under this Bylaw shall not be refunded, in whole or in part, because of the death, sale or disposition of the animal in respect of which the licensing fee was paid or because the owner ceases to reside in the Summer Village of Silver Sands;

D RESTRICTIONS AND RESPONSIBILITIES

1. It shall be the responsibility of all owners of dogs to ensure that:
 - a. the dog is not permitted to run-at-large, except in areas designated as “Off Leash” areas and then the regulations regarding that area must be complied with. No vicious or restricted dogs are allowed to make use of the “Off Leash” area. They must be kept on leash at all times when off the owner’s premises or property;
 - b. The dog is not allowed to howl or bark excessively or in such manner as to disturb the quiet of any person or persons;
 - c. The dog has obtained all necessary vaccinations;
 - d. No dog if suffering from a communicable disease shall be allowed to run-at-large or come in contact with other animals or humans. The owner of said diseased dog shall ensure that said diseased dog is kept locked up securely;
 - e. Any female dog shall be confined during the whole of the period when such dog is in heat;
 - f. No dog or domestic animal shall be permitted to be a public nuisance by:
 - i. Biting or chasing people
 - ii. Biting, barking at or chasing bicycles or automobiles
 - iii. Biting, barking at or chasing livestock
 - iv. Causing damage to public property, including but not limited to the upsetting of waste receptacles or scattering the contents thereof. When public property is damaged by a dog, its owner shall be deemed to have failed or refused to have complied with the requirements of this subsection and, upon summary conviction thereof shall, in addition to any penalty imposed upon him, be civilly liable to the municipality for any expense directly or indirectly incurred by it in connection with the receptacle being upset or the waste scattered abroad;
 - v. Causing any harm or damage to any other dog or domestic animal.

The owner of any dog deemed to be a public nuisance may be fined as specified by Schedule “B”, and ordered by a Magistrate or Justice of the Peace to muzzle or confine said dog, for such period of time as is determined by the said Magistrate or Justice of the Peace.

- g. If a dog defecates on any public property or private property other than the property of its owner, the owner shall cause such defecation to be removed immediately.

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- h. A blind owner of a registered guide dog is not subject to the obligations imposed in subsection (g).
2. The owner of any dog defined as a Vicious Dog under this bylaw shall:
- a) maintain in force a policy of liability insurance, in a form satisfactory to the administration of the municipality, providing third party liability coverage in a minimum amount of \$1,000,000.00 for injuries caused by the owner's restricted dog;
 - b) ensure the liability policy contains a provision requiring the insurer to immediately notify the municipality in writing should the policy expire or be cancelled or terminated;
 - c) provide the municipality with a copy of the current liability coverage policy to be retained on file.
 - d) At all times while a restricted dog is on the premises of its owner, the owner shall:
 - i) either keep such dog confined indoors under the effective control of a person over the age of sixteen (16) years, or
 - ii) confined in a securely enclosed and locked pen, or other structure, constructed to prevent the escape of the restricted dog, and capable of preventing the entry of young children.
 - iii) such pen shall have secure sides and a secure top, and if it has no bottom secured to the sides, the sides must be embedded in the ground to the minimum depth of one (1) foot
 - iv) when any restricted dog is off the premises of the owner, the owner shall securely muzzle such dog, and either harness it or leash it securely to effectively prevent it from attacking or biting a person or animal. (This clause shall not apply when the restricted dog is in a pen meeting the requirements of subsection iii)

If it is determined that a dog is a vicious dog, either through personal observation or after an investigation initiated by a complaint, the owner shall be notified in writing and be required to comply with the controls required for a vicious dog as outlined in this bylaw.

3. No person shall:
- a) hinder, delay or obstruct any person or persons employed by the municipality, engaged in taking to the pound any dog liable to be impounded under the provisions of this bylaw, or serving notice;
 - b) remove or attempt to remove any dog from the possession of the Bylaw Enforcement Officer, pound keeper or any other persons authorized to enforce any of the provisions of this bylaw.
 - c) induce or persuade any dog to enter a house or other place where it may be safe from capture by the Bylaw Enforcement Officer or other authorized persons; or otherwise assist any dog or domestic animal to escape capture.
 - d) negligently or wilfully open any gate, door or other opening in a fence or enclosure in which a dog or other domestic animal has been confined, or otherwise obstruct any dog or domestic animal's confinement, thereby allowing said dog or domestic animal to run-at-large
 - e) tease, torment or annoy any dog or domestic animal
 - f) ignore or further neglect any dog found to be in distress as defined by the Animal Protection Act, Revised Statutes of Alberta 1980 in the Province of Alberta. Said

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dog or cat shall be reported to the Bylaw Enforcement Officer or the municipal office who shall take action by powers so accorded in the Animal Protection Act.

4. Number of Dogs:
No person residing within the Summer Village shall keep or harbour more than three (3) dogs 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.

E. IMPOUNDMENT

1. The Municipal Administrator shall establish one or more pounds for the impounding or keeping of dogs captured.
2. Each dog impounded under the provisions of this bylaw shall be subject to impounding fees as set down by the Pound Keeper. These fees shall apply for each and every day of confinement to a maximum of seventy two (72) hours, unless the dog is tattooed or micro-chipped in which cases the confinement shall be to a maximum of ninety six (96) hours.
3. After the confinement period, if no person shall appear at the pound to claim the dog, and such dog shall be disposed of by sale, adoption or destroyed. The purchaser of the dog shall obtain full right and title to it and the right and title of the former owners shall cease thereupon.
4. The Bylaw Enforcement Officer shall attempt, to the best of his/her abilities, to ascertain the name of the owner of any impounded dog. Upon obtaining the name of the said owner, the Bylaw Enforcement Officer or Pound Keeper shall serve said owner with a Notice of Impoundment, either by serving said notice personally or by sending said notice by registered mail to the last know address of said owner.

F. PENALTIES

1. The Bylaw Enforcement Officer or police officer may enforce the provisions of the bylaw and will issue an offence ticket in the amount of the stipulated voluntary penalty as provided in Schedule "B". Payment of the stipulated voluntary penalty may be made in lieu of prosecution.
2. The offence ticket may be issued by personally serving it upon the alleged offender, or by leaving it at the residence of the alleged offender with any adult member of the family of the owner or harbourer who is at least sixteen (16) years of age, or by sending the offence ticket to the alleged offender by registered mail to his last known post office address.
3. In the event that an offence ticket remains unpaid for a period of fourteen (14) days, the alleged offender shall be liable to prosecution in the ordinary way for the offence alleged to have been committed.
4. Any person who on summary conviction is convicted of violating any provision of this bylaw shall be liable to pay a fine of not less than the stipulated voluntary penalty and not more than \$2,500.00 and in default of payment, judgement.
5. Any person who violates any provision of this bylaw for which a stipulated voluntary penalty has not been established by Schedule "B" shall be liable to a voluntary penalty of \$100.00 and upon summary convection, to a fine of not less than \$100.00 nor more than \$2,500.00 and in default of payment, judgement.
6. Any person to whom an offence ticket has been issued may exercise his rights to defend any charge of committee a contravention of any of the provisions of this bylaw.

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G. RELEASE OF ANIMALS

1. All licenses, fines and fees are to be paid before any dog or domestic animal is released from the Pound.

This Bylaw hereby rescinds Bylaw number 139 and any other Animal Control Bylaw or Dog Control Bylaw of and for the Summer Village of Silver Sands.

This Bylaw shall come into full force and effect on December 3rd, 2009.

READ a first time in Council this 3rd day of December 2009.

READ a second time this 3rd day of December 2009.

READ a third and final time this 3rd day of December 2009.

Mayor

Municipal Administrator

Date Bylaw Signed On: _____

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SCHEDULE "A"

Dog License Fees and Pound Fees

- | | | |
|----|---|--------------------------|
| 1. | Each unspayed female dog or unneutered male dog | \$50.00 lifetime license |
| 2. | Spayed female dog or neutered male dog upon production of a certificate from a duly qualified veterinary surgeon. | \$25.00 lifetime license |
| 3. | Dog Guides/Seeing Eye Dogs | No charge |
| 4. | Replacement Tags | \$5.00 |

POUND OR KENNEL FEES

1. The pound or kennel fees as set by the poundkeeper for every twenty-four (24) hour period or fraction thereof the dog has been impounded.

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SCHEDULE "B"
STIPULATED VOLUNTARY PENALTIES FOR INFRACTIONS

Failure to obtain a license (Section C.1)	\$100.00 first offence \$200.00 second and subsequent
Allowing a dog to run at large (Section D. 1. a)	\$100.00 first offence in a 12 month period \$200.00 second offence in a 12 month period \$3000.00 third offence in a 12 month period \$500.00 fourth and subsequent offence in a 12 month period
Permitting a restricted or vicious dog to run at large (Section D. 1. 1 and D. 2. iv)	\$500.00
Failure to wear a tag (Section C. 4)	\$100.00 first offence \$200.00 second and subsequent offence
Female dog not confined when in heat (Section D. 1. 3)	\$100.00 per offence
Dog or Domestic Animal disturbing the peace (section D. 1. f)	\$100.00 first offence in a 6 month period \$200.00 second offence in a 6 month period \$300.00 third and subsequent offence in a 6 month period
Failure to remove defecation (Section D. 1. g)	\$100.00 first offence \$200.00 second and subsequent offences
Violation of any other provisions of this Bylaw	\$100.00 first offence \$200.00 second and subsequent offences
Failure to maintain in force a Policy of Liability insurance for Vicious Dogs (Section D. 2. a-c)	\$1,500.00 each offence
Failure to confine a restricted dog or vicious dog when on the premises of the owner in accordance with bylaw (Sections D. 2. d. i-iii)	\$500.00 per offence
Failure to muzzle or otherwise secure a restricted dog or vicious dog when off the premises of the owner (Section D.2.d.iv)	\$500.00 per offence
If a restricted or vicious dog bites or attacks a person or animal causing injury	\$1,500.00

***Impound Fees will be added to any penalty specified above, where applicable, and must
be paid before any animal will be released.***