

Summer Village of Birch Cove
Animal Control Bylaw
Bylaw # 125-13

Being a bylaw of the Summer Village of Birch Cove in the Province of Alberta to govern the control of animals within the municipal boundaries.

Whereas, under provisions of Section 7 of the Municipal Government Act, Chapter M-26 of the Revised Statutes of Alberta, 2000 and amendments thereto, the Council may pass bylaws respecting domestic animals and activities in relation to them and;

Whereas, the Council of the Summer Village of Birch Cove deems it in the best interest of animal owners and the public in general for the Village to regulate control of animals within its boundaries:

Now Therefore, the Council of the Summer Village of Birch Cove in Council duly assembled, hereby enacts as follows:

I. DEFINITONS

1. "Animal" shall mean any domesticated animal, including but not limited to cattle, horses, fowl, sheep or goats.
2. "At large" shall mean off the premises of the owner and not under the immediate, continuous and effective control of a competent person.
3. "Dog" shall mean a male or female of the species over the age of three months and shall include bitch, spayed bitch, male or neutered male.
4. "Animal Control Officer" shall mean any person appointed by the Summer Village to carry out the provisions of this By-Law.
5. "Owner" shall mean and include any person owning, possessing, having charge of or control over or harbouring any animal or dog or suffering or permitting any animal or dog to remain about his house or premises.
6. "Run at Large" shall mean an animal that is at any place other than the property of the owner or the property of the harboured, or is not otherwise restrained by a leash held by a person and that leash is attached to a choke chain, collar, or harness, securely holding the animal.
7. "Summer Village" or "Village" means the Summer Village of Birch Cove in the Province of Alberta.
8. "Vicious Dog" means:
 - (i) any individual dog that when unprovoked inflicts bites or attacks a human being or other animal either on public or private property;
 - (ii) any individual dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals;
 - (iii) any individual dog which attacks a human being or domestic animal without provocation;
 - (iv) any individual dog owned or harboured primarily or in part for the purpose of dog fighting or any dog trained for dog fighting;

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- (v) any individual dog which has been found to be a "dangerous dog" upon 3 separate occasion's;
 - (vi) no dog 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 or is a professionally trained dog for law enforcement or guard duties.
9. "Dangerous Dog" shall mean any individual dog which when either unmuzzled, unleashed or unattended by it's owner, or a member of it's own family in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, or any public ground or places.

II. REGULATIONS

1. No animals, other than cats, dogs and other small pets may be harboured on any property within the Village boundaries;
2. No person or owner shall harbour more than two small pets of one kind of whatever sex and aged (6) months or more at one and the same time in any house, shelter, room or place within the Village boundaries.
3. No person or owner shall permit any dog to run at large within the boundaries of the Village.
4. No person shall remove or attempt to remove any animal or small pet, including a dog from the possession of the Animal Control Officer or the Animal Holding Facility prior to having paid the outstanding fines and fees.
5. No person, whether or not he or she is the owner of a dog or small pet which is being pursued by the Animal Control Officer, shall;
 - i) interfere with or attempt to obstruct an Animal Control Officer from enforcing the provisions of this bylaw;
 - ii) induce any dog, small pet or animal to enter a house or place where it may be sage from capture or otherwise assist the dog, small pet, or animal to escape capture;
 - (iii) falsely represent himself as being in control of a dog, so as to establish that the dog is not running at large;
 - (iv) unlatch or open the vehicle in which dogs captured for impounding have been placed, so as to allow dogs to escape there from.
6. It shall be the duty of the occupant of any house or premises in or about which any female animal is kept or allowed to remain, to keep such animals housed and confined during the whole period during which the female is in heat.

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7. No person shall allow any dog to howl or bark excessively or in a manner to disturb the quiet of any person.
8. No dog shall be allowed to defecate on any public or private property other than the property of its owner. If a dog defecates on any public or private property, the owner shall cause such defecation to be removed immediately.

III. DETERMINING AN ANIMAL TO BE VICIOUS

1. The owner of a dog, which the owner has reason to believe to be a vicious dog, shall keep such dog in accordance with the provisions of section III (3) of this bylaw;
2. If an R.C.M.P. Officer, Peace Officer, Special Constable or Bylaw Enforcement Officer appointed by Council, determines that a dog is a vicious dog, either through personal observation or after an investigation initiated by a complaint, he or she may, in writing;
 - i) inform the owner that his / her dog has been determined to be a vicious dog and
 - ii) require the owner to keep such dog in accordance with the provisions of section III (3) or this bylaw, and
 - iii) inform the owner that if the vicious dog is not kept in accordance with section III (3) of this bylaw, the owner will be fined, or subject to enforcement pursuant to Schedule "B" of this Bylaw.
- 3) The owner of a dog determined to be a vicious dog under section III (3) of this bylaw shall take the following precautions:
 - i) at all times while a vicious dog is on the premises of its owner, the owner shall either keep such dog confined indoors, or confined in a securely enclosed and locked pen, or other structure, constructed to prevent the escape of the vicious dog, and capable of preventing the entry of young children
 - ii) such pen shall have secure sides and secure top, and if it has no bottom secured to the sides, the sides must be embedded in the ground to a minimum depth of one (1) foot;
 - iii) when any vicious dog is off the premises of the owner, the owner shall securely muzzle the dog and ensure the dog is restrained by a permitted leash which shall effectively prevent it from attacking or biting a person or other animals;
 - iv) the owner of a vicious dog shall take all necessary steps to ensure that such a 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;
 - v) the owner of a vicious dog shall not permit such dog to run at large.

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IV. TICKETS/FINES

1. An animal control ticket issued to any person contravening any provision of this bylaw shall be deemed to be sufficiently served if:
 - i) served personally on the owner of animal; or
 - ii) mailed by registered mail to the address of the owner as recorded on the Village Tax Roll; or
 - ii) left at the residence of the accused in care of a person who appears to be at least 16 years of age.
2. Fines levied for contravention of this bylaw are listed in Schedule "A" of this bylaw.

This Bylaw repeals Bylaw # 99-11.

READ FOR A FIRST TIME, this 13th day of September, 2013

READ FOR A SECOND TIME, this 13th day of September, 2013

READ A THIRD TIME, and duly passed, this 13th day of September, 2013

signed this 13th day of September, 2013

Mayor Eugene Dugan

Municipal Administrator Dennis Evans

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SCHEDULE "A"

FINES

Fines shall be as follows:

I.	Infraction	Section	1st Offence	2nd Offence
1.	Harbouring prohibited animals	(III,1)	\$ 75.00	\$150.00
2.	Having an excess of two pets of the same kind	(III,2)	\$ 75.00	\$150.00
3.	Running at large	(III,3)	\$ 75.00	\$150.00
4.	Removing from custody	(III,4)	\$150.00	\$225.00
5.	Interfering with capture	(III,5)	\$150.00	\$225.00
6.	Not confining bitch in heat	(III,6)	\$150.00	\$225.00
7.	Barking or howling	(III,7)	\$ 75.00	\$150.00
8.	Failure to remove defecation	(III,8)	\$ 75.00	\$150.00

II. If an animal control ticket issued to an owner as a result of an infraction of this bylaw is not paid in accordance with the terms of the ticket, an information may be filed and a summons issued and prosecution conducted against such owner for the alleged violation.

III. Any person who contravenes any of the provisions of the bylaw shall be liable upon summary conviction to a penalty not to exceed \$1000.00 plus costs, or in default of payment, to imprisonment for a period not to exceed 30 days.

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SCHEDULE "B"

FINES – VICIOUS DOGS

I.	Infraction	Section	1st Offence	2nd Offence
1.	Failure to confine a vicious dog	(III), (3), (i)	\$ 300.00	\$ 500.00
2.	Failure to muzzle or otherwise secure A vicious dog when off premises	(III), (3), (ii)	\$ 300.00	\$ 500.00
3.	If a vicious dog bites or attacks a person or animal causing injury	(III), (3), (iv)	\$ 500.00	\$ 1000.00
4.	Permitting a vicious dog to run	(III), (3), (v)	\$ 300.00	\$ 500.00

Any owner who commits three or more offences listed in this section will be issued a compulsory court notice, and upon conviction will be subject to a fine of not more than \$2500.00 and not less than \$1000.00