

A BY-LAW OF THE SUMMER VILLAGE OF GULL LAKE IN THE PROVINCE OF ALBERTA TO REGULATE AND CONTROL DOGS WITHIN THE BOUNDARIES OF THE SUMMER VILLAGE OF GULL LAKE

WHEREAS the Municipal Government Act - Revised Statutes of the Province of Alberta 2000, Chapter M-26, s. 7 authorizes a Council to pass bylaws respecting domestic animals and activities in relation to them; and

WHEREAS the Council of the Summer Village of Gull Lake deems it expedient and in the public interest to pass such a bylaw;

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

1. NAME OF BYLAW

1.1 This By-Law may be cited as "The Summer Village of Gull Lake's Dog Control By-Law.

2. DEFINITIONS

2.1 In this By-Law:

- a. "Animal Control Officer" shall mean any person employed from time to time under the contract between the Summer Village and its Animal Control Contractor to enforce the provisions of this bylaw.
- b. "Bylaw Enforcement Officer" shall mean any Police Officer, Bylaw Enforcement Officer, Special Constable, Animal Control Officer or any other person duly authorized by the Summer Village.
- c. "Control" shall mean that the dog(s) are on a leash or subject to immediate response on command of the owner.
- d. "Day" shall mean a continuous period of twenty four (24) hours.
- e. "Dog" shall mean either male or female of the Canidae or canine family unless the context shall otherwise indicate
- f. "Distress" shall mean the state of being in need of proper care, food or shelter, of being injured, sick or in pain, or suffering, or being abused or subject to undue or unnecessary hardship, privation or neglect or left unattended for a period exceeding forty-eight (48) hours.
- g. "First Offence" shall mean a violation in any calendar year.
- h. "Kennel" shall mean premises intended or used for the keeping or

harbouring of more than five (5) dogs at a time.

- i. "Owner" shall mean any person, partnership, association or corporation who possesses, has charge or control of or harbours any dog.
- j. "Running at Large" means
 - i. a dog or dogs which are not under the Control of a person and is off the premises of the owner
 - ii. a dog or dogs which are under the Control of a person and which cause damage to persons, property or other animals
- k. "Second Offence" shall mean a violation that occurs within a twelve (12) month period following the first offence.
- l. "Summer Village" shall mean the municipal corporation of the Summer Village of Gull Lake or the area contained within the boundary thereof, as the context requires.
- m. "Third and Subsequent Offences" shall mean a violation that occurs within a twelve (12) month period following the second offence.

3. RESPONSIBILITIES OF DOG OWNERS

3.1 The owner of a dog is guilty of an offence if such dog:

- i. is Running at Large; or
- ii. bites or attacks a person or persons or another animal whether on the property of the owner or not; or
- iii. chases or otherwise threatens a person or another animal, whether on the property of the owner or not; or
- iv. barks at, or chases bicycles, automobiles, or other vehicles; or
- v. barks, howls, or otherwise disturbs any person. Unprovoked barking or howling in excess of five (5) minutes shall be considered an offence under this section; or
- vi. causes damage to public or private property; or
- vii. is left unattended in any motor vehicle unless the dog is restricted so as to prevent access to persons as long as such restraint provides suitable ventilation.
- viii. is a female dog in heat and is not confined and housed in the

residence of the owner or person having control of the dog, or in a licensed kennel, during the whole time that it is in heat except for the sole purpose of defecating on the premises of the owner; or

- ix. defecates on any public or private property other than the property of its owner, if the owner does not remove such defecation immediately. This provision shall not apply to a registered guide dog while it is assisting a blind person.

3.2 Any person who wishes to operate a Kennel shall apply for a Development Permit for the Discretionary Use of a Kennel as a Home occupation and be approved by the Development Authority.

3.3 No person shall beat, cruelly ill treat, torment, overload, cause Distress or otherwise abuse a dog.

4. ADMINISTRATION

4.1 The Chief Administrative Officer shall establish one or more facilities for the keeping and impounding of dogs and the manager of said facility shall make all rules and regulations, in accordance with this bylaw, pertaining to the administration of the facility.

4.2 The manager shall keep a current record of all complaints, notices and reports and their disposition.

4.3 Any Bylaw Enforcement Officer may seize and impound:

- i. any dog Running at Large,
- ii. any dog creating a public nuisance,
- iii. any female dog in heat not confined and housed,
- iv. any dog in Distress or being ill-treated,
- v. any abandoned dog.

4.4 Any Bylaw Enforcement Officer is authorized to enter any privately owned lands or premises other than a dwelling house, within the Summer Village at any reasonable time for the purposes of enforcing the provisions of Section 4.3 but not for the purposes of investigation only.

4.5 Any person may take into custody any dog found Running at Large contrary to this Bylaw and shall, as soon as possible thereafter, inform the Animal Control Officer of such action and in no case shall the time exceed twenty four hours. The Animal Control Officer shall immediately arrange for the impoundment of such dog.

4.6 Any person, whether or not they are the owner of a dog, is guilty of an offence if such person;

- i. Interfers with or attempts or interfere with or obstructs any Bylaw Enforcement Officer who is or was attempting to capture, or who has captured any dog in accordance with the provisions of this Bylaw;
- ii. Unlocks, unlatches or otherwise opens any pen or vehicle in which dogs captured for impoundment have been placed so as to allow or attempt to allow any dog to escape therefrom;
- iii. Unlocks or unlatches, or otherwise opens a live trap in which dogs have been captured so as to allow them to escape therefrom;
- iv. Damages, springs, or otherwise tampers with a live trap so as to destroy or impair the live trap's ability to capture dogs;
- v. Removes or attempts to remove any dog from the possession of any Bylaw Enforcement Officer;

and is liable upon conviction to a fine not exceeding \$2,500.00 and not less that \$100.00 and in default of payment, to imprisonment for an period not exceeding 6 months.

5. CONTRACTOR'S RESPONSIBILITIES

5.1 The Animal Control Officer or any Bylaw Enforcement Officer is hereby authorized to use live traps, or any other similar means to effect capture of dogs.

5.2 The Summer Village of Gull Lake and its employees and contractors shall not be liable for the death or injury of any dog as a result of any method utilized to effect capture of a dog.

5.3 The manager of the impound shall keep all impounded dogs for a period of at least seventy two (72) hours, including the Day of impounding but

not including Sundays or statutory holidays. During this time, any healthy dog may be redeemed by its owner, or agent of the owner, upon payment to the manager of

- i. The appropriate fine where applicable, and
- ii. The kennel fees as specified from time to time in the contract between the Summer Village and its Animal Control Contractor for every twenty-four (24) hour period or fraction thereof that the dog has been impounded

5.4 Any dog not reclaimed by its owner within seventy two (72) hours shall become the property of the manager of the pound who shall be at liberty to dispose of the dog by way of adoption to a suitable home, sale to any interested party or humanely euthanized.

5.5 The manager of the pound shall report any apparent illness, communicable disease, injury or unhealthy condition to a veterinarian as soon as practicable and act upon his recommendation. The owner, if known, shall be held responsible for all resulting costs and charges.

5.6 Notwithstanding the foregoing, the owner of a dog may not redeem such dog if the Animal Control Officer has reasonable grounds to believe and does believe that the dog is vicious. Where the Animal Control Officer believes that any dog, whether impounded or not, is vicious, he shall make application under the Dangerous Dogs Act for an order directing the dog to be controlled or destroyed. No dog having a vicious or annoying record may be resold by the manager of the pound.

6. VIOLATION TICKET

6.1 Where a person is alleged to be in contravention of any provision of this bylaw, the Summer Village of Gull Lake by its Bylaw Enforcement Officers may cause to be served on the alleged offender, a Violation ticket in the form marked "Schedule A" (attached hereto and made a part of this bylaw or similar to), allowing payment of a penalty as specified in Schedule B" (attached hereto and made part of this bylaw) to the Summer Village of Gull Lake in lieu of prosecution in respect to the alleged contravention.

6.2 Nothing in section 6.1 shall

- i. Prevent any person from defending a charge of committing a breach of this bylaw; or
- ii. Prevent a Bylaw Enforcement Officer or other person from laying an Information and Complaint against any other person for a breach of this bylaw.

6.3 A Violation ticket shall be deemed to be sufficiently served

- i. If served personally on the accused; or
- ii. If sent to the alleged offender by registered mail, certified mail or regular mail; or
- iii. By leaving it at the residence of the alleged offender.

6.4 Any person who contravenes any provision of this Bylaw specified in Schedule B hereto is guilty of an offence and liable to payment of the penalty specified in Schedule "B" aforesaid

6.5 Any person who breaches the provisions of Section 3.ii) shall be liable upon summary conviction to a fine of not less than \$200.00 and not more than \$2,000.00.

7. SEVERABILITY

7.1 It is the intention of the Council of the Summer Village of Gull Lake that each provision of the Bylaw shall be deemed independent of all other provisions and it is further the intention of the Council of the Summer Village of Gull Lake that if any provisions of this Bylaw be declared invalid, all other provisions shall remain valid and enforceable.

7.2 Bylaw No. 275 is hereby repealed upon this Bylaw coming into full force.

8. THIS BYLAW SHALL TAKE EFFECT UPON FINAL PASSING THEREOF.

READ a first time this 19th day of August, A.D. 2005.

READ a second time this 14th day of October, A.D. 2005.

READ a third time and finally passed this 14th day of October, A.D. 2005.

Mayor

Chief Administrative

Officer

Schedule "A"

Violation Ticket

Schedule "B"

Penalties

Offence Number	Offence	First Offence	Second Offence	Third Offence
Section 3.1.i.	Running at Large	\$ 75.00	\$150.00	\$300.00
Section 3.1.iii.	Chase or threaten a person(s)	100.00	200.00	400.00
Section 3.1.iv.	Bark at or chase bicycles, automobiles or other vehicles	75.00	150.00	300.00
Section 3.1.v.	Barking, howling or disturbing	75.00	150.00	300.00
Section 3.1.vi.	Causes damage to public or private property	75.00	150.00	300.00
Section 3.1.vii.	Dog unattended in motor vehicle	100.00	200.00	400.00
Section 3.1.viii.	Failure to confine a female dog in heat	75.00	150.00	300.00
Section 3.1.ix.	Failure to immediately remove defecation of a dog	75.00	150.00	300.00
Section 3.3	Cause Distress	100.00	500.00	1,000.00