SUMMER VILLAGE OF BETULA BEACH
IN THE
PROVINCE OF ALBERTA
BY-LAW NO. 3-2016

BEING a Bylaw of the Summer Village of Betula Beach, in the Province of Alberta, to control and regulate the running at large of dogs and cats, the destroying of dogs 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 the provisions of the Municipal Government Act (Alberta) Section 7, subsection (h) Council may pass a bylaw for municipal purposes respecting domestic animals and activities in relation to them; and

WHEREAS the Council of the Summer Village of Betula Beach deems it desirable and in the best interest of the residents of Betula Beach to pass a bylaw to control and regulate the running at large of dogs and cats within the boundaries of Betula Beach, 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 Betula Beach, duly assembled, hereby enacts as follows:

SHORT TITLE AND DEFINITION:

1. This By-law may be sited as, "The Animal Control By-law".

2. In this By-law, unless the context otherwise requires:

   (a) Animal Control Officer: means a person appointed by the Summer Village Council to carry out the provisions of this By-law.
   (b) Beach: means land from the waterline to the municipal or private property line.
   (c) By-law Enforcement Officer: means a person appointed by the Council or Chief Administrative Officer of the Summer Village of Betula Beach.
   (d) Day: means a continuous period of twenty-four hours.
   (e) Cat: means a male or female cat belonging to the genus felus.
   (f) Dog: means a male or female dog belonging to the genus canis.
   (g) Housed and Confined: means to confine a female dog or a female cat during the whole period of time that such dog or cat, is in heat in such a manner that the dog or cat, will not be a source of attraction to other dogs or cats.

SHORT TITLE AND DEFINITIONS CONTINUED:

(h) Kennel: means a dwelling, shelter, room or place so considered housing or keeping three (3) or more dogs or cats over the age of three (3) months.

(i) Livestock: means any horse, head of cattle, sheep, goat, mule or ass.

(j) Owner: means a natural person or body corporate who has legal title to the animal, including dogs or cats and includes any person who has possession or custody of the animal, temporarily or permanently, or harbours the animal or suffers the animal to remain on his premises.

(k) Former Owner: means a person who at the time of impounding was the owner of the animal, which has subsequently been sold or destroyed.

(l) Offence Ticket: includes any summons, tag or ticket issued by the Summer Village of Betula Beach pursuant to this By-law.

(m) Pound: means a place where the Village Council shall provide or designate for the confinement of impounded cats or dogs.

(n) Pound Keeper: means any person duly authorized and designated by the Village Council.

(o) Running at Large: means a dog or cat which is not on a leash and under control of the person responsible and is actually upon property other than the property of the owner. The leash shall not exceed fifteen feet in length.

(p) Village: means the Municipal Corporation of the Summer Village of Betula Beach, in the Province of Alberta.

(q) Village Council: means the Village Council for the Municipal Corporation of the Summer Village of Betula Beach.

RESPONSIBILITIES OF OWNER:

4. (1) No person who is the owner or harbourer of a dog or cat shall permit or otherwise allow such dog or cat to run at large within the corporate limits of the Village.

(2) When a dog or cat is found running at large its owner shall be deemed to have failed or refused to comply with the requirements of subsection (1).

5. (a) The owner of a dog or cat shall not permit the dog or cat to become a public nuisance by:

(i) biting or chasing a pedestrian;

(ii) biting, barking at, or chasing livestock, bicycles, automobiles or other vehicles;

(iii) barking, howling, or otherwise disturbing any person;

(iv) causing damage to property or other animals.

RESPONSIBILITIES OF OWNER CONTINUED:

5. (b) The owner or harbourer of a dog or cat who permits his dog or cat to defecate on property other than his own shall remove forthwith any defecated matter so deposited.

(i) The owner or any other person having care and control of a dog or restricted dog, shall forthwith remove any defecation left by it on public property or private property other than that of the owner.

(ii) The owner or any other person having care and control of a dog or restricted dog, shall ensure that defecation apparently left by it on the property of the owner does not accumulate to such an extent that it is reasonably likely to annoy or pose a health risk to others.

(c) The owner or harbourer of a female dog or cat which is in heat shall keep the dog or cat housed and confined.

(d) The owner or harbourer of a dog or cat who allows such dog or cat to upset waste receptacles or scatter the contents thereof, either in or about a lane, street or other public or private property or in or about premises belonging to the owner of a dog or cat, is guilty of an offence and shall in addition to any penalty imposed upon him or her be held civilly liable to the Village, for any expense directly or indirectly caused by the dog or cat in connection with the receptacle upset or the waste scattered abroad.

(e) A blind owner of a registered or unregistered guide dog, or a blind person being assisted by a registered or unregistered guide dog is not subject to the obligations imposed in subsection (b).

RESPONSIBILITIES OF THE SUMMER VILLAGE OF BETULA BEACH ADMINISTRATION:

6. It shall be the duty of the Village Council to establish a pound for the impounding of dogs and cats captured pursuant to this By-law, and Council are further authorized and empowered to make any and all such rules and regulations not inconsistent with the provisions of this By-law as they consider necessary for the conduct in regulating such pound.

7. It shall be the duty of the Village Council to appoint a Pound Keeper and other such persons as they deem necessary for the carrying out of the provisions of this By-law as required, and for the keeping of the pound.

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8. (a) The pound keeper, Animal Control Officer, By-law Enforcement Officer or Peace Officer may capture and impound any dog in respect for which he believes or has reasonable grounds to believe an offence under this By-law is being or has been committed.

(b) A Pound Keeper, Animal Control Officer, By-law Enforcement Officer or a Peace Officer or any person authorized by this By-law to enforce the provisions contained herein may enter onto the lands surrounding any building in pursuit of any dog or cat which has been running at large.

ANIMAL CONTROL – OPERATION OF KENNELS:

9. A kennel:
   (a) shall not be permitted on residential property unless the kennel be located not less than one hundred (100) feet from any other person's property, and
   (b) further provided that if written complaints are received by the administration office, or damage is proven as a result of the kennel or the operation thereof; Council may direct that the person operating the kennel move or cease to operate the kennel.

PROHIBITED AREAS:

10. For the purpose of this section "Parkland" means all beach, beach access and recreational land owned and controlled by the Village, lying within the village limits, and whether improved in whole or in part, in its natural state, and includes neighborhood beautification areas publicly maintained and administered by the village.

    (i) The owner or harbourer of a dog or cat shall not permit or allow such dog or cat to be in the floral area of any parkland;
    (ii) The owner or harbourer of a dog or cat shall not place or allow such dog or cat to enter or remain in any swimming, bathing or wading pool or area that is provided for the use of the public.
    (iii) The owner or harbourer of a dog or cat wishing to transport said dog or cat to a pier or watercraft must do so by taking the most direct route to and from said pier or watercraft.

INTERFERENCE WITH ENFORCEMENT OF BY-LAW

11. No person whether or not he is the owner or harbourer of a dog which is being has been pursued or captured shall:

(a) Interfere with or attempt to obstruct a Peace Officer, Pound Keeper, By-law Enforcement Officer, or Animal Control Officer who is attempting to capture or has captured a dog or cat which is subject to being impounded pursuant to the provisions of this Bylaw;

(b) induce the dog or cat to enter a house or other place where it may be safe from capture or otherwise assist the dog or cat to escape capture;

(c) falsely represent himself as being in charge or control of dog or cat so as to establish that the dog or cat is not running at large; or

(d) unlock or unlatch or otherwise open the Pound van or vehicle in which dogs or cats kept for impoundment have been placed so as to allow or attempt to allow any dog or cat to escape there from.

NEGLIGENCE:

12. No person shall:

(a) untie, loosen or otherwise free a dog or cat which has been tied or otherwise restrained; or

(b) negligently or willfully open a gate, door or other opening in a fence or enclosure in which a dog or cat has been confined and thereby allow the dog or cat to run at large within the Village.

TORMENT:

13. No person shall intentionally tease, torment or annoy any dog or cat.

RELEASE OF IMPOUNDED DOGS OR CATS:

14. (a) The Pound Keeper shall keep all impounded dogs or cats for a period of at least 72 hours, including the day of impounding. Sundays and Statutory Holidays shall not be included in the computation of the 72 hour period. During this period any healthy dog or cat may be redeemed by its owner or agent, upon payment to the Pound Keeper of the appropriate fine where applicable, and/or impoundment fees as authorized by Council.

(b) The Pound Keeper may sell or destroy a dog or cat after the dog or cat is retained in the pound for 72 consecutive hours from the time of impoundment, unless a person having authority orders a further retention or the destruction of the dog or cat, or unless the owner of the dog or cat makes arrangements with the Pound Keeper for the further retention of the dog or cat

(c) The purchaser of the impounded dog or cat from the pound pursuant to the provisions of this By-law shall obtain full right and title to it, and the right and title of the former owner of the dog or cat shall cease thereupon.

(d) The Pound Keeper shall report any apparent illness, communicable disease, injury or unhealthy condition of any dog or cat to a veterinarian and act upon his recommendation. The owner, if known, shall be held responsible for all charges resulting from the implementation of any such recommendations.

PENALTIES:

15. (a) The Pound Keeper, Animal Control Officer, Police Constable or By-law Enforcement Officer may enforce the provisions of this By-law, and may issue an offence ticket to an owner alleged to have committed one or more of the offences identified within this By-law and as specified in Schedule "A". The offence ticket shall state the section of the By-law which was contravened, and the amount of the fine, as provided for within Schedule "A" to the By-law which will be accepted by the Village in lieu of prosecution.

(b) The offence ticket may be issued personally serving it upon the alleged offender, or by leaving it at the residence of the alleged offender, or by sending it to the alleged offender by registered mail, to his last known post office address.

(c) Upon production of the offence ticket issued, pursuant to this Section, within (10) days from the days of issue, together with the payment to the Summer Village of Betula Beach Administration Office, of the fee as provided in Schedule "A", the person to whom the offence ticket was issued shall not be liable for prosecution for the contravention in respect of which the offence ticket was issued.

(d) Notwithstanding the provisions of the Section, a person to whom a offence ticket has been issued pursuant to this Section may exercise his right to defend any charge of committing a contravention of any of the provisions of this By-law.

SUMMARY CONVICTION:

16. (a) A person who contravenes a provision of this By-law by doing something which he is prohibited from doing, or by failing to do something which he is required to do, or by doing something in a manner different from that in which he is required or permitted to do in this By-law, is guilty of an offence and subject to prosecution:

(i) a person who contravenes a provision of this By-law is guilty of an offence, and liable upon summary conviction to a fine as specified within Schedule "A" to this By-law, together with the costs of summary conviction, and upon failure to pay the fine and costs, to imprisonment for a period not exceeding ninety (90) days unless such fine and costs or committal are sooner paid.

(b) The levying and payment of any fine or the imprisonment for any period provided in this By-law shall not relieve a person from the necessity of paying any fees, charges or costs for which he is liable under the provisions of this By-law.

(c) A Provincial Judge, in addition to the penalties provided in the Section may if he considers the offence sufficiently serious direct or order that the person that owns, keeps, maintains or harbours the dog or cat, to prevent such dog or cat from doing such mischief or causing the disturbance or nuisance complained of, be removed from the Village or be destroyed.

SEVERABILITY OF BY-LAW PROVISIONS

It is the intention of the Village Council that each separate provision of this By-law shall be deemed independent of all other provisions, and it is further the intention of the Village Council that if any provisions of this By-law be declared invalid, all other provisions shall remain invalid and unenforceable.

Schedule A may be amended by resolution of Council.

READ a first time this 27th day of October, 2016

READ a second time this 27th day of October, 2016

READ a third and final time and passed this 27th day of October, 2016

Rob Dickie, Mayor

Susan Evans, CAO

Bylaw No. 3-2016

SCHEDULE "A"

AMOUNT WHICH WILL BE ACCEPTED BY THE SUMMER VILLAGE OF BETULA BEACH IN LIEU OF PROSECUTION:

PENALTIES:

Section 4	**Running at large**		
		First Offence	**$ 50.00**
		Second Offence	**$ 100.00**
		Third and each subsequent offence	**$ 200.00**
Section 5 (a)	**Public Nuisance**		
		First Offence	**$ 75.00**
		Second Offence	**$ 150.00**
		Third and each subsequent offence	**$ 200.00**
Section 5 (b)	**Defecation**		
		First Offence	**$ 50.00**
		Second Offence	**$ 100.00**
		Third and each subsequent offence	**$ 200.00**
Section 5 (c)	**Confine female dog or cat in heat**		
		First Offence	**$ 25.00**
		Second Offence	**$ 50.00**
		Third and each subsequent offence	**$ 100.00**
Section 5 (d)	**Upset of Waste Receptacle**		
		First Offence	**$ 25.00**
		Second Offence	**$ 50.00**
		Third and each subsequent offence	**$ 100.00**
Section 10	**Prohibited Areas**		
		First Offence	**$ 25.00**
		Second Offence	**$ 50.00**
		Third and each subsequent offence	**$ 100.00**
Section 11	**Obstruction**		**$ 50.00**
Section 12	**Negligence**		**$ 50.00**
Section 13	**Torment**		**$ 50.00**