

BYLAW NO. 2011-05

A Bylaw of the Summer Village of Parkland Beach, in the Province of Alberta to provide for regulation and control of animals within the Village.

WHEREAS, pursuant to the Municipal Government Act, RSA 2000, Chapter M-26.1 of the revised statutes of Alberta, Council of the Summer Village of Parkland Beach deems it necessary to provide for the control of domesticated animals in the Summer Village of Parkland Beach.

SECTION 1: SHORT TITLE & APPLICATION

1.1 That Bylaw No. 2011-05 shall be known as the "Animal Control Bylaw."

SECTION 2: DEFINITIONS

2.1 In this Bylaw, unless the context otherwise requires, the word, term or expression:

- a) *Animal Control Officer* shall mean any member of the Royal Canadian Mounted Police; Summer Village of Parkland Beach Peace Officer; Bylaw Enforcement Officer or designate; including but not limited to, a person hired or contracted by the Village to enforce the provisions of this Bylaw;
- b) *Animal Shelter* shall mean premises designated by the Village for the impoundment and care of animals and includes the premises supplied by a person hired or contracted by the Village to enforce the provisions of this Bylaw;
- c) *At Large* shall mean:
 - i) Off the premises of the owner and not on a leash held by a person able to control the animal;
 - ii) Animals in the water east of the bed and shore of the lake are subject to Provincial Regulations.
- d) *Barking* shall mean the continuous barking of a dog for five (5) minutes or longer, more than two (2) times per hour;
- e) *Biting* shall mean the grabbing, holding, bruising, or breaking of skin of any person or other animal, by any animal;
- f) *Cat* shall mean any domesticated cat;
- g) *Collar* shall be any device made of leather, chain, etc., capable of having metal or plastic tags securely fastened to it, and designed and solely intended to be worn around the neck of a dog or cat;
- h) *Council* shall mean the elected Council of the Summer Village of Parkland Beach;
- i) *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;
- j) *Dog* shall mean a member of the canine family;
- k) *Domesticated Animal* or *Animal* shall mean a living creature that can feel and move voluntarily and is kept by man (i.e. Cat or Dog);
- l) *Grandfathered* shall mean the allowance of an owner to have more than three (3) domesticated animals of a species for which they had ownership of prior to the adoption of this Bylaw;

- m) *Howling* shall mean the continuous howling of a dog or cat for a period of five (5) minutes or longer, more than two (2) times an hour;
- n) *Owner* shall mean the owner, keeper or harbourer of an animal;
- o) *Park Area* shall mean all recreational land areas owned or controlled by the Village, lying within the limits, and whether improved in whole or in part, or in its natural state; and includes publically maintained areas such as road allowances; playgrounds; and includes all building or other improvements situated on these land areas;
- p) *Permanent Basis* shall mean a time period of more than seven (7) days;
- q) *Public Nuisance* shall mean:
 - i) the owner of an animal shall ensure such animal shall not bite or attack a person or persons or another animal whether on the property of the owner or not;
 - ii) chase or otherwise threaten a person or another animal, whether on the property of the owner or not;
 - iii) bark at, or chase bicycles, automobiles, or other vehicles;
 - iv) bark, howl, or otherwise disturb any person. Unprovoked barking or howling in excess of five (5) minutes shall be considered an offense under this section;
 - v) cause damage to public or private property;
 - vi) be left unattended in any motor vehicle unless the animal is restricted so as to prevent access to persons as long as such restraint provides suitable ventilation;
 - vii) under any condition be in the posted public swimming area or on the sandy beach areas as indicated in Schedule "D";
 - viii) any animal at large;
- r) *Swim Area* shall mean the area restricted on the beach for swimming;
- s) *Tag* shall mean a metal or plastic identifier worn on the collar providing contact information for the animal(s);
- t) *Tranquilizer Gun* shall mean a rifle or pistol capable of projecting a dart containing a drug approved by a qualified Veterinary Surgeon for the purpose of immobilizing an animal in order to facilitate capture;

SECTION 3: IDENTIFICATION AND PROVISIONS

- 3.1 Any person who owns keeps or harbours any animal shall be responsible for the identification of the animal with a metal or plastic tag of their choice.
- 3.2 The tag will contain the owner's name and phone number.
- 3.3 The tag shall be attached to the collar worn by the animal at all times.
- 3.4 Any license or other identification attached to any animal does not negate the owner from any article of this Bylaw.
- 3.5 The owner of a dog, cat or other animal is guilty of an offence if he or she fails to provide information on a tag as set out in 3.2 of this Bylaw.

SECTION 4: RESTRICTIONS AND RESPONSIBILITIES

- 4.1 No person who is the owner of any dog, cat or other animal shall permit or otherwise allow such animal to run at large within the corporate limits of the Village.
- 4.2 No owner of any dog, cat or other animal shall permit or otherwise allow the animal to bite a person or other animal.
- 4.3 The occupant of any house or dwelling or premises in or about which any female animal is kept or allowed to remain, shall keep such female animal housed and confined during the whole period when such female animal shall be in heat.
- 4.4 An owner of any animal or person responsible for the animal, who permits the animal to defecate on property other than his/her own, including Village property and roadways, is guilty of an infraction under this Bylaw if the defecation is not immediately removed.
 - i) A blind owner of a register guide dog, or a blind person being assisted by a registered guide dog is not subject to the obligations imposed in section 4.4.
- 4.5 An animal owner whose animal is, or becomes a public nuisance, is guilty of an offense.
- 4.6 No person shall keep cats over the age of six (6) months in numbers greater than three (3) on a permanent basis on any owned or rented property within the Village.
- 4.7 No person shall keep dogs over the age of six (6) months in numbers greater than three (3) on a permanent basis on any owned or rented property within the Village.

SECTION 5: BARKING/HOWLING

- 5.1 No owner of any dog or cat in the Summer Village of Parkland Beach shall permit a dog or cat to bark or howl excessively or in any other manner to disturb the quiet of a person.

SECTION 6: IMPOUNDMENT

- 6.1 It shall be the duty of the Animal Shelter Keeper and such person or persons as shall be authorized or appointed by Council to capture all animals found running at large within the limits of the Village contrary to the provisions of this Bylaw; or found upon any street or public place in the Village and to impound same in the animal shelter, and such animal impounded shall be confined there subject to the owner's or possessor's right to redeem same within seventy-two (72) hours, excluding Saturday and Sunday, from the time of their capture;
 - i) Notifications
If an Animal Control Officer knows or can ascertain the name of the Owner of any impounded animal, he/she shall contact the owner by phone. No other notification will be provided.
- 6.2 The Animal Control Officer or any person or persons as authorized or appointed by Council may capture and impound cats using any humane method and said animals shall be held for a period of seventy-two (72) hours and if not claimed within that period may be destroyed by the Animal Shelter Keeper.
- 6.3 Each dog or cat impounded under the provisions of this Bylaw shall be subject to impounding fees as set down by Schedule "A" of this Bylaw.

SECTION 7: ANIMAL CONTROL OFFICER DUTIES & RESPONSIBILITIES

- 7.1 An Animal Control Officer may capture and impound in the Animal Shelter any animal that:
 - a) is at large;
 - b) is not wearing a tag;

- c) is in the perimeter of a playground apparatus or a sand play area;
 - d) is a female animal in heat, that is not confined and housed;
 - e) has bitten another domesticated animal or a person; or
 - f) has been teased, tormented, annoyed, abused, injured or that is in distress.
- 7.2 An Animal Control Officer is authorized to take such reasonable measures as are necessary to subdue any animal requiring impoundment, including but not limited to the use of tranquilizer equipment and live traps.
- 7.3 If any animal is injured, bleeding, in distress or a risk to its own health or safety, the Animal Control Officer shall insure that the animal receives appropriate veterinary care as required before proceeding to the Animal Shelter.
- 7.4 The Animal Shelter shall have available adequate shelter, ventilation, space, food, water, and protection from injurious heat and/or cold for all impounded animals. The Animal Shelter shall also have veterinary care available, as required on an emergency basis.
- 7.5 The Animal Control Officer shall, as soon as possible after an animal is impounded, notify the animal's owner if his/her identity is reasonably ascertainable.
- 7.6 The Animal Control Officer shall keep a registration book that states the date and time that an animal was impounded, together with a description of the animal and any identifying information including, but not limited to, tag, tattoo, or microchip.
- 7.7 An animal impounded by an Animal Control Officer may be kept in the Animal Shelter for a seventy-two (72) hour sheltering period. During this period, any animal may be claimed and collected by its owner or the owner's agent upon payment to the Village or Animal Shelter of:
- i) pay all associated fines and penalties;
 - ii) in the event that the owner or their agent is unable to claim within the seventy-two (72) hour period, the owner has the option of arranging additional care with the Animal Shelter Operator.
- 7.8 If the preceding conditions have not been met, the Animal Shelter is not obliged to release the animal to the owner or the owner's agent.
- 7.9 At the expiration of the applicable sheltering period, the Animal Shelter is authorized to:
- i) offer the animal for adoptions by a member of the general public;
 - ii) destroy the animal in a humane manner;
 - iii) allow for the animal to be claimed and collected by the owner or designate in accordance with section 7.7 of this Bylaw; or
 - iv) continue to keep the animal impounded for an indefinite period of time as the Animal Control Officer, at his or her discretion, may decide.

SECTION 8: RELEASE

- 8.1 Any animal impounded pursuant to the provisions of this Bylaw shall be released by the Village's Animal Shelter Keeper subject to the right within seventy-two (72) hours excluding Saturday and Sunday from the time of the impoundment by paying to the Summer Village of Parkland Beach the appropriate fine for each animal impounded and paying the Animal Shelter Keeper impound fees as set out in Schedule "B" of this Bylaw.
- 8.2 An animal shall not be released from the shelter unless the owner or possessor can present to the satisfaction of the shelter keeper, proof that all fines and shelter fees have been paid or has

obtained the necessary clearance from the Village Office with respect to such animal or animals.

SECTION 9: ANIMAL PROTECTION PROVISIONS

9.1 No person shall:

- i) tease, torment, annoy, abuse or injure any animal; or
- ii) untie, loosen or otherwise free an animal that is not in distress unless the person has the owner's authorization; and

any person who does so is guilty of an offense and is subject to a penalty as set out in Schedule "B" of this Bylaw.

SECTION 10: INTERFERENCE WITH AN ANIMAL CONTROL OFFICER

10.1 No person shall:

- i) interfere with, hinder, or otherwise impede and Animal Control Officer in the performance of any duty authorized by this Bylaw;
- ii) damage, spring, or otherwise tamper with a live trap intended to capture and animal;
- iii) damage, spring or otherwise tamper with a live trap which an animal has been captured and/or confined;
- iv) unlock, unlatch, or otherwise open the vehicle in which an animal has been confined for impoundment; or
- v) remove or attempt to remove any animal from the possession of an Animal Control Officer or an Animal Shelter; and

any person who does so is guilty of an offense and is subject to a penalty as set out in Schedule "B" of this Bylaw.

SECTION 11: RABID ANIMALS

11.1 An Owner of an Animal suspected of having rabies shall immediately take the animal to the nearest veterinary clinic for examination.

- i) An Owner of an Animal suspected of having rabies shall confine or isolate the Animal in such a manner as prescribed by the veterinarian. The Owner's is responsible for all cost associated with the confinement.
- ii) upon completion of the confinement period and examination by a veterinarian, animals deemed to have rabies will be destroyed.

11.2 The control of dangerous animals by the use of tranquilizer guns will be restricted to the local Veterinarian's Clinic and/or Animal Control Officer.

SECTION 12: TRAPPING OF CATS

12.1 Any person, who has a complaint about a cat at large or causing damage to his or her property, may contact the Animal Control Officer.

12.2 When a complaint is found to be valid the Animal Control Officer will deliver and set a cat trap on the property of the complainant.

12.3 A complainant, upon having a cat trap set on their property, shall comply with the *Procedure and Guidelines For The Trapping Of Stray Cats*, annexed as Schedule "C" of this Bylaw, and such other terms and conditions as the Animal Control Officer may require.

- 12.4 No person, whether or not he or she is the owner of a cat which is being, or has been, pursued or captured, shall:
- i) entice a cat at large;
 - ii) tease a cat caught in a cat trap;
 - iii) throw or poke any object into a cat trap when a cat is caught therein;
 - iv) fail to check a set cat trap on his/her premises hourly, or as otherwise specified in the Guidelines referred to in Schedule "C" or the Animal Control Officer;
 - v) leave a cat trap unattended, except as authorized by the Animal Control Officer;
 - vi) leave a cat trap set between the hours of 11:00pm on one day to 6:00am the following day, unless authorized by the Animal Control Officer.
- 12.5 The provision of a cat trap to a complainant shall be at the sole discretion of the Animal Control Officer.

SECTION 13: OFFENSES AND FINES

- 13.1 Any person who breaches any provision of this Bylaw is guilty of an offense and is liable on summary conviction, to a penalty as set out in Schedule "B" of this Bylaw, plus cost of prosecution and in default of payment of any fine, to imprisonment for up to six (6) months.
- 13.2 Any person who breaches the same provision of this Bylaw twice within a twelve (12) month period is guilty of a second offense and is liable on summary conviction, to a penalty for a second offense as set out in Schedule "B" of this Bylaw, plus cost of prosecution and, in default of payment of any fine, to imprisonment for up to six (6) months.
- 13.3 Any person who breaches the same provision of this Bylaw three (3) or more times within a twelve (12) month period is guilty of a third or subsequent offence and is liable on summary conviction, to a penalty for a third or subsequent offense as set out in Schedule "B" of this Bylaw, plus costs of prosecution and, in default of payment of any fine, to imprisonment for up to six (6) months.
- 13.4 Any person who contravenes any provision of this Bylaw, for which a penalty is not otherwise set, is guilty of an offense and is liable on summary conviction to a fine of not less than \$250.00 and not more than \$10,000.00, plus costs of prosecution and, in default of payment of any fine, to imprisonment for up to six (6) months.

SECTION 14: ANIMAL CONTROL TICKET

- 14.1 An Animal Control Ticket shall be deemed to be sufficiently served:
- i) if served personally on the owner of the animal, or
 - ii) if mailed by unregistered mail to the address of the owner of the animal, as recorded by the owner with the Summer Village of Parkland Beach.
- 14.2 Payment of the Animal Control ticket to the Summer Village of Parkland Beach within twenty-one (21) days from the date of service of the Animal Control Ticket may be accepted by the Village in lieu of prosecution.

SECTION 15: GENERAL PROVISIONS

- 15.1 Should any provision of this Bylaw be invalid, then such invalid provision may be severed and the remaining Bylaw shall be maintained.
- 15.2 Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other Bylaw or any requirement of any lawful permit, order or license.

15.3 This Bylaw rescinds Bylaw No. 2002-01 Animal Control Bylaw.

15.4 This Bylaw shall come into effect on the date of final reading.

Read for the first time this 18th day of, November, 2011

Read for the second time this 20th day of, April, 2012

Read for the third and final time this 18th day of, May, 2012

Larry Scheible, Mayor

Marilee Yakunin, C.A.O.

SCHEDULE "A"

FEES

1. Impoundment & Kennel Fees

Impound	- Dogs and Cats	\$25.00
	- Other	Variable

Kennel:	\$20.00 (per 24h period or less)
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Those charges rendered by the pound keeper or veterinarian in an available and nearby location.

2. Care and Sustenance	- Dogs & Cats	\$20.00 (per 24h period or less)
	- Other	Variable

3. Veterinary Fees	Amount expended
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4. Destruction

Dogs & Cats	\$40.00
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Other	Amount Expended
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SCHEDULE "B"
PENALTIES

SECTION	OFFENSE	1st offense	2nd offense	3rd offense
4.2	Biting or attacking a person or another animal	\$100.00	\$200.00	\$300.00
4.5	Chasing other animals, bicycles or vehicles	\$75.00	\$150.00	\$300.00
4.5	Upsetting garbage and/or disturbing private property	\$75.00	\$150.00	\$300.00
4.5	Animal left unattended in vehicle without proper temperature and safety protocols in place	\$500.00	\$1,000.00	\$1,200.00
3	Failure to have identification tag affixed to collar	\$50.00	\$100.00	\$150.00
4.1	Allowing an animal to run at large	\$50.00	\$100.00	\$150.00
4.3	Failure to keep a female animal in heat confined	\$75.00	\$150.00	\$300.00
4.4	Failure to immediately remove defecation	\$75.00	\$150.00	\$300.00
4.6/7	Having more than three animals of a species	\$50.00	\$100.00	\$150.00
5	Barking/Howling	\$75.00	\$150.00	\$300.00
7.5	Providing false or misleading information	\$50.00	\$100.00	\$150.00
9.1 i)	Entice, tease or poke an animal	\$200.00	\$400.00	\$500.00
9.1 ii)	Release or entice an animal to be at large	\$75.00	\$150.00	\$300.00
10.1	Obstruction, interference or removing or attempting to remove any animal from the possession of an Animal Control Officer	\$75.00	\$150.00	\$300.00
11	Failure to report a suspected case of rabies	\$500.00	\$1,000.00	\$1,200.00
12.4 iv)	Failure to check a trap hourly	\$75.00	\$150.00	\$300.00
12.4 v)	Leaving a trap unattended	\$75.00	\$150.00	\$300.00
12.4 vi)	Failure to disable trap between 11pm - 6am	\$75.00	\$150.00	\$300.00
S "A" 5	Failure to submit trapped animal to Animal Control within 24 hours	\$100.00	\$200.00	\$300.00

(Penalty per Offense per Year)

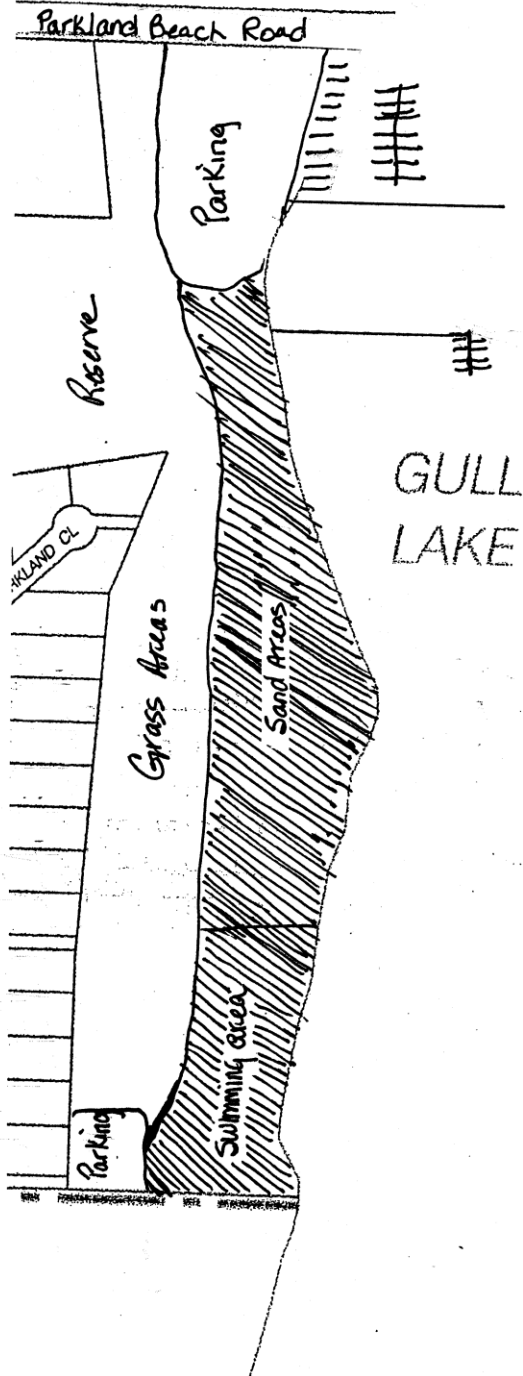
SCHEDULE "C"

PROCEDURE AND GUIDELINES FOR TRAPPING OF CATS

- 1 A resident of the SV of Parkland Beach who has a complaint about a Cat at large or causing damage to his or her property, may report such complaints to the Animal Control Officer.
- 2 If the complaint is found to be valid, the Animal Control Officer will deliver and set a cat trap on the property of the complainant.
- 3 The complainant will be requested to sign a form and an agreement provided by the Animal Control Officer.
- 4 The complainant will be required to pay a \$50.00 deposit to the Animal Control Officer for a cat trap. This deposit will be returned to the complainant when the trap is collected and is found to be in the same condition it was at the time it was provided by the Animal Control Officer.
- 5 It will be the responsibility of the complainant to check the trap hourly, or as approved by the Animal Control Officer and, if an animal is caught, the complainant must contact the Animal Control Officer within 24 hours following the trapping.
- 6 The Animal Control Officer may enter and inspect the premises, other than a dwelling house, of the complainant to set and periodically check a cat trap.
- 7 The complainant shall not leave a trap set on his or her property unattended when absent therefrom for any period of time whatsoever, except as approved by the Animal Control Officer.
- 8 The complainant shall check the trap prior to 11:00 p.m. on each night that the trap is on his or her property and, if no animal is caught, he or she shall, unless otherwise approved by the Animal Control Officer, trip the trap and render it harmless until 6:00 a.m. the following day, when the complainant may again set the trap.
- 9 At such time as the Animal Control Officer takes possession of a trapped Cat, the Animal Control Officer will try to locate an identifying tag or tattoo on the Cat and, if found, will make every effort to contact the Owner of the Cat in order to report that it has been impounded by the Animal Control Officer.
- 10 If an identification tag or tattoo cannot be found on the impounded Cat, the Animal Control Officer will keep the Cat for a period of at least 72 hours and, after that time, as space permits. After said 72 hour period, it shall be at the discretion of the Animal Control Officer as to whether or not the trapped Cat shall be kept, sold to a new owner, or be euthanized. However, notwithstanding the care taken to ensure return of an Owner's Cat, if a trapped Cat shall be found by the Animal Control Officer to be wild and dangerous and/or seriously injured, it may be euthanized immediately upon being impounded by the Animal Control Officer.
- 11 If the Owner of a Cat attends at the Animal Shelter for the purpose of claiming his or her Cat that was At Large, an offence ticket will be issued to the Owner in accordance with this Bylaw.
- 12 It is the responsibility of the complainant to ensure that, once a Cat is trapped on his property that said Cat shall not be abused contrary to sections 12.4 i) to 12.4 vi) of this Bylaw, by anyone on his or her property, or anyone coming onto his or her property.
- 13 Any person seeing a Cat in a trap being abused is encouraged to telephone and report the abuse to the Animal Control Officer, at which time the Animal Control Officer will immediately attend at the premises where the abuse has taken place and will remove the Cat and the trap forthwith.
- 14 The Animal Control Officer will not provide service after normal business hours.
- 15 No cat traps will be set by the Animal Control Officer for a complainant when weather conditions are, or are forecast to be, lower than 0 degrees Celsius or higher than 24 degrees Celsius within the 72 hour period from the time of issue.

SCHEDULE "D"

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□ Animals must be leashed

▨ No Animals permitted