

## BY-LAW NO 54-95

### OF THE SUMMER VILLAGE OF WHISPERING HILLS

#### A BYLAW OF THE SUMMER VILLAGE OF WHISPERING HILLS, IN THE PROVINCE OF ALBERTA, TO CONTROL DOGS AND DOMESTIC ANIMALS WITHIN THE SUMMER VILLAGE OF WHISPERING HILLS.

**WHEREAS**, the council deems it necessary to regulate the control of dogs, cats and domestic animals, and

**WHEREAS**, Section 7 of the Municipal Government Act, R.S.A. 1980, and amendments thereto, gives the Council the authority to pass such a bylaw;

**THEREFORE NOW**, under the authority and subject to the provisions of the Act, the council of the Summer Village of Whispering Hills, in the Province of Alberta, DULY ASSEMBLED ENACTS AS FOLLOWS:

#### PART 1 – DEFINITIONS

1. This bylaw may be cited as the “Animal Control Bylaw”.
2. In this bylaw:
  - (a) “ANIMAL CONTROL OFFICER” means a bylaw officer or person or persons appointed as such from time to time, by the Summer Village to do any act or perform any duties under this bylaw;
  - (b) “AT LARGE” means if the dog is off the premises of the owner or harbourer and not on a lease held by a person able to control dog;
  - (c) “CAT” means any feline animal;
  - (d) “DANGEROUS DOG” means any dog, which, in the opinion of a Peace Officer or Animal Control Officer:
    - i) without provocation, shows a propensity, or disposition, or potential to attack or injure humans or other animals: or
    - ii) without provocation attacks, bites, or injures any human or animal;
  - (e) “DOG” means any canine animal;
  - (f) “DOMESTIC ANIMAL” means such animals that have been domesticated for agricultural use or pets including but not limited to pigs, horses, sheep chickens, pigeons etc. but does not include dogs or cats;
  - (g) “OWNER” means and includes any person, group of persons, firm or corporation owning or possessing or having control over a dog or cat;
  - (h) “PEACE OFFICER” means Police officer or Special Constable.

#### PART II – RESPONSIBILITIES OF OWNER

1. No owner shall allow any dog or cat to be a t large and when any dog or cat is found to be at large, its owner shall be deemed to have failed to comply within this section.
2. No person shall permit his or her dog to bark or howl excessively or any manner disturb the peace, quiet or repose of a person; and, when a dog barks, howls or in any manner disturbs the quiet of a person or repose of any person, the owner shall be deemed to have failed or refused to comply with this section.
3. No person shall permit his or her cat to howl excessively or any manner disturb the peace, quiet or repose of a person; and, when a cat howls or in any manner disturbs the quiet of a person, or repose of any person, the owner shall be deemed to have failed or refused to comply with this section.
4. No dog shall be permitted to be a public nuisance by:
  - (a) biting, attempting to bite or chasing people;
  - (b) biting, barking or chasing livestock; and
  - (c) causing any harm or damage to any other dog.
5. Every dangerous dog must be:
  - (a) confined indoors; or
  - (b) leashed and under the effective control of a person over the age of 18 years; or
  - (c) confined in a secure and locked yard or enclosure sufficient to keep the dog in a said yard or enclosure and sufficient to deter children from climbing over or under it to gain access.
6. The owner of any dog or cat which bites a person shall promptly report the incident to the Animal Control Officer and the dog or cat may be thereupon be quarantined at the discretion of the Animal Control Officer; and, shall not be released from such quarantine except by written permission of a medical officer of health. At the discretion of the animal control officer, such quarantines may be on the premises of the owner or an animal shelter. All costs of such quarantine shall be at the expense

of the owner of said dog or cat. In the case of stray dogs or cats whose ownership is not known, such quarantine shall be at an animal shelter.

7. Unless otherwise permitted by the Animal Control Officer, no person shall keep a domestic animal within the summer village.
8. No person shall negligently or willfully open any gate, door or other opening in a fence or enclosure in which a dog, cat or domestic animal has been confined; or otherwise obstruct any dog, cat or domestic animal's confinement, thereby allowing said dog, cat or domestic animal to run at large within the summer village.
9. No person shall tease, torment, annoy or harm any dog, cat or domestic animal.

### **PART III – IMPOUNDMENT AND DISPOSITION**

1. A Peace Officer or Animal Control Officer may seize and capture on written complaint any cat found running at large and impound the said cat in an animal shelter.
2. A Peace Officer or Animal Control Officer may seize and capture any dog found running at large and impound the said dog in an animal shelter.
3. To assist in the seizure or capture of dogs, cats or domestic animals running at large, a Peace Officer or Animal Control Officer may utilize live traps. Said traps shall be used in a humane manner.
4. A dog, cat or domestic animal impounded shall be kept for a period of at least forty-eight (48) hours. Saturdays, Sundays and statutory holidays and the day of impoundment shall not be included in the computation of the forty-eight (48) hour period. During this period any dog, cat or domestic animal may be redeemed by its owner or agent of the owner upon payment to the summer village as set out in section 6 of this Part and in Part IV of this bylaw.
5. At the expiration of the forty-eight (48) hour period, any dog, cat or domestic animal may be destroyed or sold to a person other than the owner.
6. Impoundment fees at an animal shelter are the responsibility of the animal's owner and shall be calculated at the rate of twenty (\$20.00) dollars for each twenty-four (24) hour period or fraction thereof. Said fees are payable to the summer village.

### **PART IV – PENALTIES AND ENFORCFEMENT**

1. Any person violating any provisions of this bylaw is subject to the enforcement provisions and shall be liable to the following fines.
  - (a) On summary conviction of a first offence to a fine of fifty (\$50.00) dollars.
  - (b) On summary conviction of a second offence to a fine of one hundred (\$100.00) dollars.
  - (c) On summary conviction of a third and all subsequent offences to a fine of two hundred (\$200.00) dollars.
2. No person shall interfere with, hinder or molest a Peace Officer or Animal Control Officer appointed to enforce the provisions of this bylaw in the performance of any duty.
3. When a complaint is received by a Peace Officer or animal Control Officer, the Peace Officer or Animal control Officer will investigate and may, at his or her discretion, lay a charge. All complaints must be made in writing.

**Read a fist time this 6<sup>th</sup> day of November, A.D. 1995**

**Read a second time this 6<sup>th</sup> day of November, A.D. 1995**

**Read a third time and finally passed this 6<sup>th</sup> day of November, A.D. 1995**

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Mayor

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Administrator