

**ALBERTA BEACH
BYLAW #291-23
ANIMAL CONTROL BYLAW**

**A BYLAW OF ALBERTA BEACH IN THE PROVINCE OF ALBERTA
FOR THE PURPOSE OF REGULATING ANIMALS AND PROMOTING
RESPONSIBLE ANIMAL OWNERSHIP**

WHEREAS the *Municipal Government Act*, empowers a Council to pass bylaws:

- a) respecting the safety, health and welfare of people and the protection of people and property;
- b) respecting nuisances;
- c) respecting wild and domestic animals and activities in relation to them;
- d) regulating or prohibiting activities;
- e) providing for a system of licenses, permit or approvals; and
- f) respecting remedying of contraventions of bylaws;

AND WHEREAS the Municipal Council of Alberta Beach deems it appropriate and in the community interest to pass a bylaw to regulate and control domestic animals, and other animals;

NOW THEREFORE the Municipal Council of Alberta Beach, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. SECTION 1 - TITLE

- 1.1. This Bylaw may be cited as the "Alberta Beach Animal Control Bylaw."

2. SECTION 2 - INTERPRETATION

2.1. In this Bylaw, the following terms shall have the following meanings:

- a) "Animal" means any bird, reptile, amphibian, or mammal excluding humans and Wildlife;
- b) "*Animal Protection Act*" means the *Animal Protection Act*, RSA 2000, c A-41;
- c) "Attack" means an assault resulting in bleeding, bone breakage, sprains, serious bruising, or multiple injuries;
- d) "Bark Excessively" means a Dog that barks, howls, or makes any other loud noise for a continuous period so as to unreasonably disturb the peace and tranquility of the neighborhood;
- e) "Bite" means force applied by an Animal by means of its mouth and teeth upon a person or other Animal;
- f) "Bylaw" means this Alberta Beach Animal Control Bylaw;
- g) "CAO" means the chief administrative officer for the Village;
- h) "Cat" means any domesticated male or female of the feline family;
- i) "Cemetery" means land within the Village that is set apart or used as a place for the burial of dead human bodies or other human remains or in which dead human bodies or other human remains are buried;
- j) "Communicable Disease" means diseases which can be passed from animal to animal, and from animal to person;
- k) "Council" means the municipal council of the Village;
- l) "Court" means the Alberta Court of Justice;
- m) "Dog" means any domesticated male or female member of the canine family;
- n) "Domestic Animal" means a domesticated Animal that lives and breeds in a tame condition and, without restricting the generality of the foregoing, shall include a Dog, a Cat, a rabbit, and a ferret, but shall not include Livestock or Wildlife;
- o) "Fees and Charges Bylaw" means Village Bylaw 287-22 Fees & Rates Bylaw;
- p) "Former Owner" means the Person who at the time of impoundment was the Owner of an Animal which has subsequently been sold, given away, or destroyed;
- q) "Golf Course" means land which is set aside for the playing of the game of golf and upon which the game of golf is played;

**ALBERTA BEACH
BYLAW #291-23
ANIMAL CONTROL BYLAW**

- r) "Impounded" means taken into custody of the Pound;
- s) "Justice" has the meaning as defined in the *Provincial Offences Procedures Act*, RSA 2000, c, P-34, and the regulations thereunder;
- t) "Land Use Bylaw" means Village Land Use Bylaw 252-17;
- u) "Leash" means a chain, rope or strap attached to the collar or harness of an animal used to lead, restrain, or control it;
- v) "License" means a License issued by the Village to an Owner for a specific Dog pursuant to this Bylaw;
- w) "Livestock" includes, but is not limited to:
 - i. A horse, mule, donkey, swine, camel, llama, alpaca, sheep or goat;
 - ii. Domestically reared or kept deer, reindeer, moose, elk, or bison;
 - iii. Farm bred fur bearing animals including foxes or mink;
 - iv. Animals of the bovine species;
 - v. Emus, ostriches, peacocks, peahens; and
 - vi. All other animals that are kept for agricultural purposes including bee colonies,but does not include Dogs or other Domestic Animals;
- x) "*Municipal Government Act*" or the "Act" means the *Municipal Government Act*, RSA 2000, c M-26 and the regulations thereunder;
- y) "Municipal Violation Tag" means a notice issued by the Village that alleges an offence and provides a person with the opportunity to pay a fine amount to the Village in lieu of prosecution for the offence
- z) "Muzzle" means a humane device of sufficient strength placed over an Animal's mouth to prevent it from Biting;
- aa) "Nuisance" with respect to the activities of any Animal means activities which, having regard to all the circumstances, are injurious or obnoxious or likely to unreasonably injure, endanger or detract from the comfort, health, peace or safety of persons or property in the Village and specifically includes but is not limited to:
 - i. Biting a person or persons;
 - ii. Chasing people, bicycles, automobiles or other vehicles;
 - iii. Excessive noise;
 - iv. Trespassing upon property;
 - v. Causing damage to property, other animals or persons; or
 - vi. Upsetting waste receptacles or scattering the contents thereof.
- bb) "Off Leash Area" means a Park or a portion of a Park which has been designated as an off-leash area by the Village;
- cc) "Owner" means any Person or body corporate, as the context requires:
 - i. Who is the licensed owner of an Animal;
 - ii. Who has legal title to an Animal;
 - iii. Who has possession, care and control, or custody of an Animal, either temporarily or permanently;
 - iv. Who harbours an Animal or allows an Animal to remain on that Person's premises;
 - v. Who is identified as the registered owner on a title at the Land Titles office;
 - vi. Who is recorded as the Owner of a Property on the Village's assessment roll; or

**ALBERTA BEACH
BYLAW #291-23
ANIMAL CONTROL BYLAW**

- vii. Who is an occupant of a Property under a lease, license or permit;
- dd) "Park" means a public space controlled by the Village and set aside as a park to be used by the public for rest, recreation, exercise, pleasure, amusement, cultural heritage, education, appreciation of nature and enjoyment and includes:
- i. Playgrounds;
 - ii. Cemeteries;
 - iii. Natural areas;
 - iv. Sports Fields;
 - v. Pathways;
 - vi. Trails;
 - vii. Park roadways;
 - viii. Spray parks; and
 - ix. Wading or swimming areas;
- but does not include Golf Courses;
- ee) "Pathway" means a multipurpose throughfare controlled by the Village and set aside for use by pedestrians, cyclists, and persons using wheeled conveyances, which is improved by asphalt, concrete or brick, whether or not it is located in a Park, and includes any bridge or structure with which it is contiguous;
- ff) "Patrol Supervisor" means the person who is the Supervisor of the Patrol Department of the Village, or their designate;
- gg) "Peace Officer" means a member of the Royal Canadian Mounted Police, a Peace Officer appointed under the *Peace Officer Act*, SA 2006, c P-3.5, or a Village Bylaw Enforcement Officer;
- hh) "Person" includes a corporation, an individual, and the heirs, executors, administrator or other legal representatives of an individual;
- ii) "Playground" means land within the Village and controlled by the Village upon which apparatus such as swings and slides are placed;
- jj) "Pound" means the premises designated by the Village for the purposes of impounding and caring for all Dogs found to be at Running at Large or otherwise contravening any section of this Bylaw;
- kk) "Pound Keeper" means a person appointed by the Village or by agreement with another municipality or private business to maintain the designated Pound or Pounds;
- ll) "Public Property" means all Property owned by or under the control and management of the Village;
- mm) "Property" includes any lands, buildings or premises in the Village;
- nn) "*Provincial Offences Procedure Act*" means the *Provincial Offences Procedure Act*, RSA 2000, c P-34, and the regulations thereunder;
- oo) "Running at Large" or "Run at Large" means:
- i. An Animal or Animals which are not under the control of a person by means of a Leash and is or are upon property other than the property in respect of which the Owner of the Animal or Animals has the right of occupation, or upon any highway, throughfare, street, road, trail, avenue, parkway, lane, alley, square, bridge, causeway, trestleway, sidewalk (including the boulevard portion of the sidewalk), Park or other public place which has not been designated as an Off Leash Area, or
 - ii. Any Animal which is under the control of a person by means of a Leash and which causes damage to persons, property or other Animals, that is off of the property of the Owner or harbourer;

**ALBERTA BEACH
BYLAW #291-23
ANIMAL CONTROL BYLAW**

- pp) "Service Dog" has the same definition as set out in the *Service Dog Act*, SA 2007, c S-7.5, and the regulations thereunder and includes a dog that is in training to become a service dog but does not include a Dog that is no longer actively used as service dog;
- qq) "Severe Injury" includes any injury resulting in one or more broken bones, disfiguring lacerations, sutures, cosmetic surgery, scars, and further includes any other injury determined to be severe by a court upon hearing the evidence;
- rr) "Sports Field" means land within the Village and controlled by the Village which is set apart and used for the playing of sport including, but not limited to, baseball diamonds, field hockey or cricket pitches, and rugby, soccer or football fields;
- ss) "*Stray Animals Act*" means the *Stray Animals Act*, RSA 2000, c S-20, and the regulations thereunder;
- tt) "Threatening Behaviour" means the following behaviour exhibited by a Dog, without provocation: growling, snapping at, lunging at, chasing, stalking, attacking or biting another Animal, Livestock or Wildlife or a bicycle, or motor vehicle being operated, unless the Dog is a working Livestock guardian Dog and is engaged in the performance of such work;
- uu) "Trespasser" means one who intentionally and without consent, privilege, or authority, enters another's property;
- vv) "Vicious Dog" means:
- i. Any Dog which, without provocation, has chased, injured, or bitten any other Animal, livestock or human;
 - ii. Any Dog which, without provocation, has damaged or destroyed any public or private property;
 - iii. Any Dog which, without provocation, has threatened or caused the reasonable apprehension of threat to another Animal, Livestock, or human and which in the opinion of the Patrol Supervisor presents a threat of serious harm to other Animals, Livestock, or humans;
 - iv. Any Dog which has been previously determined to be a Vicious Dog under this Bylaw, or a prior bylaw;
- ww) "Village" means the municipality of Alberta Beach;
- xx) "Violation Ticket" has the same meaning as that term is used in the *Provincial Offences Procedure Act*;
- yy) "Wildlife" has the same meaning as that term is used in the *Wildlife Act*, RSA 2000, c W-10 and includes but is not limited to coyotes, cougars, bobcats, deer, moose, elk, wild rabbits, porcupines, beavers and skunks; and
- zz) "Wildlife Attractant" means any substance that could be reasonably expected to attract Wildlife including, but not limited to, food products, domestic garbage, pet food, seed, restaurant grease, compost, a carcass or part of a carcass of an animal, fish or meat, or fruit from trees.
- 2.2. Any references in this Bylaw to any statutes, regulations, bylaws or other enactments is to those statutes, regulations, bylaws or other enactments as amended or replaced from time to time and any amendments thereto.
- 2.3. Whenever a singular or masculine form of a word is used in this Bylaw, it shall include the plural, feminine or neutral form of the word as the context requires.
- 2.4. The headings in this Bylaw do not form part of this Bylaw and shall not affect its interpretation.
- 3. SECTION 3 - RESPONSIBILITIES OF ANIMAL AND DOG OWNERS**
- 3.1. The Owner of a Dog shall:
- a) Ensure the Dog is not Running at Large within the Village;
 - b) Ensure the Dog is on a Leash, except when in an Off-Leash Area, and in control at all times when off of the Owner's property;

**ALBERTA BEACH
BYLAW #291-23
ANIMAL CONTROL BYLAW**

- c) Ensure that the Dog does not enter into or remain in or on a Cemetery within the Village;
 - d) Ensure that the Dog does not enter into or remain in or on a Park or other Public Property with signage confirming Dogs are prohibited;
 - e) Ensure that any Dog that is suffering from a Communicable Disease is kept housed and confined and is not permitted to come into contact with other Animals, Dogs or humans except for contact required to obtain veterinary medical care; and
 - f) Ensure that the Dog is Licensed in accordance with Section 8.
- 3.2. No person shall allow a Dog to:
- a) Bark Excessively;
 - b) Bite, chase or stalk Animals, bicycles, automobiles or other motor vehicles;
 - c) Chase or otherwise threaten a person or persons, whether on the property of the Owner or not, unless the person chased or threatened is a Trespasser on the property of the Owner;
 - d) Cause damage to property or other Animals, whether on the property of the Owner or not;
 - e) Do any act that injures a person or persons whether on the property of the Owner or not;
 - f) Bite a person or persons, whether on the property of the Owner or not;
 - g) Attack a person or persons, whether on the property of the Owner or not;
 - h) Attack a person or persons causing Severe Injury, whether on the property of the Owner or not;
 - i) Repeatedly Attack a person or persons causing Severe Injury, whether on the property of the Owner or not;
 - j) Cause death to another Animal; or
 - k) Upset any waste receptacles or scatter the contents thereof on any Public Property or on any private property not belonging to the Owner.
- 3.3. An Owner of an Animal shall:
- a) Ensure that the Animal is not in distress;
 - b) Ensure that the Animal has adequate food and water;
 - c) Provide the Animal with adequate care when the Animal is wounded or ill;
 - d) Provide the Animal with reasonable protection from injurious heat or cold; and
 - e) Provide the Animal with adequate shelter, ventilation and space.
- 3.4. No person shall allow an Animal to be outside of the passenger cab of a Motor Vehicle on a Roadway, regardless of whether the Motor Vehicle is moving or parked.
- 3.5. Notwithstanding section 3.4 above, a person may allow an Animal to be outside of the passenger cab of a Motor Vehicle, including riding in the back of a pick-up truck or flatbed truck if the Animal is:
- a) In a fully enclosed trailer;
 - b) In a canopy enclosing the bed area of a vehicle;
 - c) Contained in a ventilated kennel or similar device that is securely fastened to the bed of the vehicle; or
 - d) Securely tethered in such a manner that it is not standing on bare metal, cannot jump, or be thrown from the vehicle, is not in danger of strangulation, and cannot reach beyond the outside edges of the vehicle.
- 3.6. If an Animal defecates on any Public Property or private property other than the property of its Owner, the Owner shall cause such defecation to be removed immediately and disposed of properly.

**ALBERTA BEACH
BYLAW #291-23
ANIMAL CONTROL BYLAW**

- 3.7. The Owner of an Animal shall ensure that when the Animal is on Public Property or private property other than property of its Owner, the Owner has means in the Owner's possession to collect and properly dispose of defecation from such Animal.
- 3.8. The Owner of an Animal shall ensure that the Animal is not Running at Large.
- 3.9. The Owner of an Animal left unattended in a Motor Vehicle shall ensure:
 - a) That the Animal is restrained in a manner that prevents the contact between the Animal and any member of the public; and
 - b) That the Animal has suitable ventilation.
- 3.10. A Peace Officer that identifies an offence under section 3.10 of this Bylaw may use any means reasonable and necessary for the safety of the Animal to remove the Animal from the Motor Vehicle, with any expense associated with such action being the responsibility of the Owner of the Vehicle.
- 3.11. The Owner of a Motor Vehicle involved in an offence referred to in this Section is guilty of the offence unless that Owner satisfies the Court:
 - a) That the Motor Vehicle was not being driven or was not parked by the Owner; and
 - b) That the person driving or parking the Motor Vehicle at the time of the offence did so without the Owner of the Motor Vehicle's express or implied consent.
- 3.12. The Owner of an Animal shall ensure that the Animal is not left unattended while tethered or tied on premises where the public has express or implied access.
- 3.13. The Owner of an Animal shall ensure that the Animal is not left unsupervised while tethered or tied on private property.
- 3.14. The Owner of an Animal shall ensure that the Animal is not a Nuisance.

4. SECTION 4 - INTERFERENCE WITH ANIMALS OR DOGS

- 4.1. No Person shall:
 - a) Untie, loosen, or otherwise free an Animal or Dog which has been tied or otherwise restrained;
 - b) Tease or torment an Animal or Dog or otherwise provoke an Animal or Dog to bark, Bite, attempt to Bite, chase or otherwise threaten any Person, Animal or Dog; or
 - c) Negligently or willfully open a gate, door, or other opening in a fence or enclosure in which an Animal or Dog has been confined and thereby allow an Animal or Dog to Run at Large.
- 4.2. No Person shall ignore or further neglect any Domestic Animal found to be in distress within the meaning of the *Animal Protection Act*, and such Person shall report the said Domestic Animal to a Peace Officer.

5. SECTION 5 - VICIOUS DOGS

- 5.1. The Patrol Supervisor may, based on personal observation of the Dog or an investigation initiated by a compliant, declare a Dog to be a Vicious Dog.
- 5.2. A Peace Officer may impound a Dog that is the subject of a complaint for a period of up to 7 days for the purposes of evaluating the Dog and determining whether the Dog should be declared a Vicious Dog.
- 5.3. A Dog shall not be declared a Vicious Dog based on the following behaviour alone:
 - a) It Attacks or Bites a Trespasser on the Property of the Owner, or property controlled by the Owner; or
 - b) It is kept as a Livestock guardian Dog and if the Attack is in defense of Livestock of which the Dog is responsible on the property of the Owner.
- 5.4. If the Patrol Supervisor determines a Dog to be a Vicious Dog, the Patrol Supervisor shall give the Owner of the Vicious Dog written notice by mail within fifteen (15) days of such determination:
 - a) Informing the Owner that their Dog has been determined to be a Vicious Dog;

**ALBERTA BEACH
BYLAW #291-23
ANIMAL CONTROL BYLAW**

- b) Requiring the Owner to keep the Vicious Dog in accordance with the provisions of Section 5 of the Bylaw; and
 - c) Informing the Owner that if the Vicious Dog is not kept in accordance with the requirements of this section of this Bylaw, that the Owner will be fined, or subject to enforcement pursuant to this Bylaw.
- 5.5. An Owner of a Dog determined to be a Vicious Dog by the Patrol Supervisor may appeal such determination to Council within thirty (30) days of receiving notice of such determination. A notice of appeal shall be submitted in writing to the CAO.
- 5.6. On receipt of a notice of notice of appeal under section 5.5 above, Council shall as soon as is reasonably practical cause the matter to be reviewed and make a final determination. That determination by Council shall be final and binding and not subject to further appeal under this Bylaw.
- 5.7. The determination of a Dog to be a Vicious Dog continues notwithstanding that the Dog has been sold, gifted, or transferred to a new Owner.
- 5.8. When a declared Vicious Dog is not on the property of the Owner:
- a) The Dog shall be harnessed or on a Leash which shall not exceed two (2) meters in length and in a manner that prevents it from chasing, injuring, or Biting other Animals or persons, or causing damage to public or private property;
 - b) The Dog shall be under the control of a person who is eighteen (18) years of age or older; and
 - c) The Dog shall be muzzled.
- 5.9. When a declared Vicious Dog is on the property of an Owner;
- a) The Dog shall be confined indoors;
 - b) The Dog shall be kept as if the provisions of section 5.8 above applied to such Dog while on the Property of the Owner; or
 - c) The Dog shall be confined in a secure enclosure, meaning a locked building, cage or fenced area of such construction that will not permit the confined Dog or Dogs to jump, climb, dig, or force their way out, or allow the entry of any person not in control of the Dog.
- 5.10. An Owner shall not be required to leash or muzzle a Vicious Dog while inside a building or enclosure and being shown or displayed at a *bona fide* Dog show.
- 5.11. Where a Dog is determined to be a Vicious Dog pursuant to this Bylaw, the Owner shall, within ten (10) days of receiving the notice of designation:
- a) Ensure that the Vicious Dog has been tattooed by a licensed veterinarian;
 - b) Ensure that an identifiable microchip has been implanted in the Vicious Dog;
 - c) If the Vicious Dog has not been spayed or neutered, have the Vicious Dog spayed or neutered; and
 - d) Post signs conspicuously on their premises alerting the public that a Vicious Dog is on the premises.
- 5.12. Where a Dog has been determined to be a Vicious Dog, the Patrol Supervisor may impose one or more of the following conditions on the Owner of the Vicious Dog, and the Owner must comply with such conditions as are imposed under this section:
- a) Requiring the Owner to modify the Owner's property in some manner in order to reduce the risk of the Vicious Dog leaving the property or Running at Large;
 - b) Requiring the Owner to retain the services of a Dog trainer to provide the Owner with specified training and that the Owner provide proof of the completion of such training;
 - c) Requiring the Owner to obtain third party liability insurance in a specified amount for the Vicious Dog; and
 - d) Any other additional condition that is similar to the above and in the opinion of the Patrol Supervisor is reasonably necessary for the safety of the public.

**ALBERTA BEACH
BYLAW #291-23
ANIMAL CONTROL BYLAW**

- 5.13. An Owner of a Vicious Dog shall ensure that the Dog does not:
- a) Chase a person or other Animal;
 - b) Injure a person or other Animal;
 - c) Bite a person or other Animal;
 - d) Attack a person or other Animal; or
 - e) Damage or destroy public or private property.
- 5.14. Where a Dog is determined to be a Vicious Dog, the Owner of such Vicious Dog shall not permit the Vicious Dog to be in an Off Leash Area at any time.
- 5.15. Where a Dog is determined to be a Vicious Dog, the Owner of such Vicious Dog shall not breed or sell the Vicious Dog within the Village
- 5.16. The Owner of a Vicious Dog shall notify the Village immediately of the following:
- a) The Vicious Dog is Running at Large;
 - b) The occurrence of any incident described in section 5.12 involving the Vicious Dog; or
 - c) The sale, surrender, or death of the Vicious Dog.

6. SECTION 6 – RABIES AND COMMUNICABLE DISEASE CONTROL

- 6.1. Upon demand made by a Peace Officer, an Owner of a Domestic Animal shall forthwith surrender any Domestic Animal which the Peace Officer has reasonable and probable grounds to suspect of having been exposed to rabies or any Communicable Disease for supervised quarantine, the expense for which shall be borne by the Owner, and the Animal may be reclaimed by the Owner if the Animal is adjudged to be free of rabies or any Communicable Disease upon payment of the confinement expenses and upon compliance with the licensing provisions of this Bylaw.
- 6.2. When a Domestic Animal under quarantine has been diagnosed as rabid, or suspected by a licensed veterinarian of being rabid, and dies while under such observation, the Pound Keeper shall immediately send the head of such Domestic Animal to the appropriate health department for pathological examination and shall notify the appropriate public health officer of reports and human contacts and the diagnosis made, or suspected diagnosis made, of the Domestic Animal.
- 6.3. During such period of rabies quarantine as provided for in this section, every Domestic Animal bitten by any Animal adjudged to be rabid, shall be forthwith destroyed or, at the Owner's expense and option shall be treated for rabies infection by a licensed veterinarian or held under quarantine by the Owner in the same manner as other Domestic Animals are quarantined.
- 6.4. The carcass of any dead Animal exposed to rabies shall, upon demand, be surrendered to the Pound Keeper.
- 6.5. A licensed veterinarian shall direct the destruction, disposal of remains or treatment of any Domestic Animal found to be infected with rabies.

7. SECTION 7 – SEIZURE AND IMPOUNDMENT OF ANIMALS

- 7.1. A Peace Officer, upon complaint under this Bylaw, may seize and impound:
- a) Every Dog found Running at Large contrary to this Bylaw in Alberta Beach;
 - b) Every Dog which has Bitten or Attacked, or is alleged to have Bitten or Attacked, a person or Animal, pending the determination by the Patrol Supervisor as to whether to declare the Dog to be a Vicious Dog;
 - c) Every Dog not wearing a collar and License as required by this Bylaw,

**ALBERTA BEACH
BYLAW #291-23
ANIMAL CONTROL BYLAW**

- d) Every Dog which is required to be impounded pursuant to any provincial or federal law,
and in enforcement of the jurisdiction provided in section 7.1 for the purposes of investigation only, a Peace Officer is hereby authorized to enter any privately owned premises provided that in this section the word "premises" does not include a building or buildings used as a dwelling house. A Peace Officer may enter a premises in order to preserve the safety and security of the public if deemed necessary. Premises include any outdoor lot visible from the street.
- 7.2. If a Peace Officer knows or can ascertain the name or residence of the Owner of any Impounded Dog, they shall make reasonable attempts to notify the Owner of the Impoundment of the Dog.
- 7.3. For all Dogs impounded other than for the purpose of determining whether the Dog is to be declared a Vicious Dog:
- a) the Pound Keeper shall keep all Impounded Dogs 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 may be redeemed by its Owner upon the Owner paying to the Pound Keeper the appropriate fees, documentation of neutering or spaying, plus Pound fees for every 24-hour period or fraction thereof that the Dog has been Impounded.
 - b) If at the expiration of a 72-hour period any Impounded Dog has not been redeemed, it may be sold, given away, or destroyed. The purchaser of an Impounded Animal from the Pound pursuant to the provisions of this Bylaw shall obtain full right and title to the Animal and the right and title to the Former Owner shall be forfeit.
- 7.4. For Dogs impounded under section 5.2 of this Bylaw for the purposes of determining whether to declare the Dog a Vicious Dog:
- a) The Pound Keeper shall keep the Impounded Dog for the period required to evaluate the Dog in accordance with section 5.2 of this Bylaw;
 - b) The Owner shall be notified when the evaluation of the Dog has been completed. The Pound Keeper shall keep the Dog for a period of at least 72 hours after notice has been given to the Owner. Sundays and statutory holidays shall not be included in the computation of the 72-hour period. During this period, the Dog may be redeemed by its Owner upon the Owner paying to the Pound Keeper the appropriate fees, documentation of neutering or spaying, plus Pound fees for every 24-hour period or fraction thereof that the Dog has been Impounded.
 - c) If at the expiration of a 72-hour period any Impounded Dog has not been redeemed, it may be sold, given away, or destroyed. The purchaser of an Impounded Animal from the Pound pursuant to the provisions of this Bylaw shall obtain full right and title to the Animal and the right and title to the Former Owner shall be forfeit.
- 7.5. Any Impounded Dog which appears to be in distress in accordance with the *Animal Protection Act* shall be dealt with as provided for in the *Animal Protection Act*.
- 7.6. Any Livestock Running at Large within the Village shall be enforced in accordance with the *Stray Animals Act*.
- 7.7. No person whether or not they are the Owner of the Animal which is being, or has been, pursued or captured shall:
- a) Interfere with or attempt to obstruct a Peace Officer who is attempting to capture or who has captured any Animal in accordance with this Bylaw;
 - b) Open any Motor Vehicle in which seized Animals have been placed;
 - c) Remove or attempt to remove, from the possession of a Peace Officer, any Animal which has been seized;
 - d) Induce any Animal to enter a house or other place where it may be safe from capture, or otherwise assist the Animal to escape capture;
 - e) Falsely represent themselves as being in charge or control of an Animal so as to establish that the Animal is not Running at Large;

**ALBERTA BEACH
BYLAW #291-23
ANIMAL CONTROL BYLAW**

- f) Unlock, unlatch, or otherwise open a Motor Vehicle in which Animals captured for Impoundment have been placed to as to allow or attempt to allow any Animals to escape; or
- g) Provide false information to a Peace Officer.

8. SECTION 8 – LICENSING OF DOGS

- 8.1. No person shall own, keep, or harbour any Dog within the municipal limits of the Village unless such Dog is licensed as provided in this Bylaw.
- 8.2. The holder of a Dog License must be at least eighteen (18) years of age unless an exemption is given by the Patrol Supervisor.
- 8.3. Every Owner of a Dog over the age of six (6) months within the limits of the Village shall:
 - a) Obtain a license for such Dog on the first day on which the Village office is open for business after the Dog becomes six (6) months of age;
 - b) Obtain a license on the first day on which the Village office is open after they become Owner of the Dog; or
 - c) Obtain a license for a Dog notwithstanding that it is under the age of six (6) months where the Dog has been found to be Running at Large.
- 8.4. Every Owner of a Dog shall provide the Village with the following information with each application for a Dog License:
 - a) The name, street address, postal address, and telephone number of the Owner;
 - b) Where the Owner is a body corporate, the name, street address, postal address and telephone number of a natural person responsible for the Dog;
 - c) A description of the Dog including breed, name, gender, age;
 - d) Proof of spaying or neutering, if applicable;
 - e) Identification tattoo number and location, if applicable;
 - f) Identification microchip information, if applicable;
 - g) Such other information as may be required with respect to the application.
- 8.5. The Village shall keep a record of each License issued.
- 8.6. No person shall give false information when applying for a License pursuant to this Bylaw.
- 8.7. An Owner shall forthwith notify the Village of any change with respect to the information provided in the application for a License under this Bylaw.
- 8.8. Licenses issued under this Bylaw shall be issued for the life of the Dog. No refund shall be made on any paid Dog License fee because of the death or sale of the Dog, or upon the Owner of the Dog leaving the Village.
- 8.9. Licenses issued under this Bylaw may be transferred to another Dog on the payment of the associated transfer fee.
- 8.10. License fees shall be those listed in the Fees and Charges Bylaw.
- 8.11. Every Owner shall ensure that the License is securely fastened to a choke chain, collar, or harness which must be worn at all times when the Dog is off of the Owner's property. If the License tag becomes lost, the Owner shall obtain a replacement License tag from the Village and shall pay the required fee for such replacement License tag.
- 8.12. If a Dog is found not wearing a choke chain, collar or harness with a valid License tag, the Owner shall be deemed not to have a License for the Dog unless the Owner can produce, to the satisfaction of the Peace Officer, the License tag or receipt for the License within twenty-four (24) hours of notice to the Owner.
- 8.13. A License is not required for the Owner of a Dog who is temporarily resident in the Village for a period not exceeding twenty-one (21) days. This period may be extended on the receipt of written permission from the Patrol Supervisor.
- 8.14. A License shall be issued free of charge to:

**ALBERTA BEACH
BYLAW #291-23
ANIMAL CONTROL BYLAW**

- a) The Owner of a Service Dog; or
- b) Seasonal residents of the Village who are Owners of a Dog and provide proof of the licensing of said Dog in another municipality.

9. SECTION 9 – KENNELS, LIVESTOCK, AND HORSES

- 9.1. No person shall operate a Kennel on any Property except where an approved Development Permit has been issued for such Kennel under the Land Use Bylaw, and any other required licenses have been obtained. The harbouring, keeping of, or owning more than three (3) Dogs shall be deemed to be operating a Kennel.
- 9.2. No person shall keep Livestock on any residentially zoned Property in the Village.
- 9.3. No Owner of a horse shall allow a horse to be in a Park except for a Park that is approved and designated by the Village for horseback riding.
- 9.4. No person shall have more than five (5) Domestic Animals, of which no more than three (3) may be Dogs, on any residentially zoned Property in the Village.

10. SECTION 10 – WILDLIFE ATTRACTANTS

- 10.1. No Owner of a Property in the Village shall place, store, permit or dispose of Wildlife Attractants outdoors in such a manner as to be accessible to Wildlife, or to attract Wildlife.
- 10.2. Owners of Property in the Village must remove ripened fruit from trees and the ground on the Property if they attract Wildlife.
- 10.3. Owners of Property in the Village must remove bird feeders if they attract Wildlife.
- 10.4. No person shall feed or attempt to feed Wildlife.

11. SECTION 11 – GENERAL

- 11.1. Where this Bylaw requires that an Owner be provided with a notice or a decision, that notice of decision may be served by ordinary mail to the last known address of the Owner and the Owner is deemed to have received that notice or decision seven (7) days from the date it was mailed.
- 11.2. No person shall willfully or knowingly obstruct a Peace Officer, or a person aiding the Peace Officer's in their duties, from enforcing the provisions of this Bylaw.
- 11.3. The Patrol Supervisor shall keep an up-to-date record of all complaints, notices and reports and a similar record of the disposition therefore.
- 11.4. Any person or Owner who commits a breach of any of the provisions of this Bylaw commits an offence.
- 11.5. In the case of an offence that is of a continuing nature, a contravention of a provision of this Bylaw constitutes a separate offence with respect to each day, or part of a day, during which the contravention continues, and a person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such separate offence.
- 11.6. A person who is guilty of an offence under this Bylaw is liable:
 - a) To a fine in an amount not less than as set out in **Schedule A**, or
 - b) On summary conviction, to a fine not exceeding \$10,000.00, or imprisonment for not more than six months, or both.
- 11.7. If a Municipal Violation Tag is issued in respect of an offence, the Municipal Violation Tag must specify the fine established by this Bylaw for the offence.
- 11.8. A person who commits an offence may, if a Municipal Tag is issued in respect of the offence, pay the fine amount established by this Bylaw for the offence and if the amount is paid on or before the required date, the person will not be prosecuted for the offence under the *Provincial Offences Procedure Act*.
- 11.9. Where a Peace Officer believes that a person has contravened any provision of this Bylaw, the Peace Officer may commence proceedings against the person by issuing a Violation Ticket pursuant to the *Provincial Offences Procedure Act*.
- 11.10. If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:

**ALBERTA BEACH
BYLAW #291-23
ANIMAL CONTROL BYLAW**

- a) Specify the fine amount established by this Bylaw for the offence; or
 - b) Require a person to appear in court without the alternative of making a voluntary payment.
- 11.11. A person who commits an offence may, if a Violation Ticket is issued in respect of the offence and if the Violation Ticket specifies the fine amount established by this Bylaw for the offence, make a voluntary payment equal to the specified fine.
- 11.12. Nothing in this Section shall prevent any Peace Officer from issuing a Violation Ticket requiring the court appearance of the defendant pursuant to the *Provincial Offences Procedure Act*, or from laying an information instead of issuing a Violation Ticket or Municipal Violation Tag.
- 11.13. Nothing in this Section shall prevent any person or Owner from defending a charge of committing a breach of this Bylaw.
- 11.14. The Village is not required to enforce this Bylaw. In deciding whether to enforce this Bylaw, the Village may consider any practical concerns, including municipal budget and personnel resources.
- 11.15. A Peace Officer investigating a complaint involving threatening behaviour of an Animal may, but is not required to, classify the behaviour by means of reference to the Dr. Ian Dunbar's Aggression Scale which is set out in **Schedule B** of this Bylaw.
- 11.16. **Schedules A and B** form part of this Bylaw.
- 11.17. Each provision of this Bylaw is independent of all other provisions. If any provision of the Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

12. SECTION 12 – TRANSITION AND COMING INTO FORCE


- 12.1. Upon the coming into force of this Bylaw, Bylaw 223-09 is repealed.
- 12.2. This Bylaw shall come into full force when it receives THIRD and FINAL reading and is duly signed.

READ a first time this 21st day of February 2023.

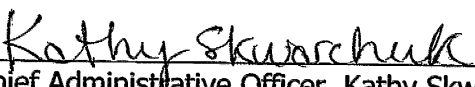
READ a second time this 16th day of May 2023.

READ a third and final time this 16th day of May 2023.

SIGNED this 16th day of May 2023.



Mayor, Angela Duncan



Chief Administrative Officer, Kathy Skwarchuk

**ALBERTA BEACH
BYLAW #291-23
ANIMAL CONTROL BYLAW**

SCHEDULE A

FINE SCHEDULE

Section	Offence	First Offence	Second Offence	Third and Subsequent Offences
3.1(a)	Dog Running at Large	\$150.00	\$300.00	\$600.00
3.1(b)	Dog not on Leash or control when off Owner's property	\$150.00	\$300.00	\$600.00
3.1(c)	Dog in Cemetery	\$150.00	\$300.00	\$600.00
3.1(d)	Dog in area prohibited by sign	\$150.00	\$300.00	\$600.00
3.1(e)	Dog suffering from Communicable Disease not confined	\$200.00	\$400.00	\$800.00
3.1(f), 8.1, 8.3	Dog not Licensed	\$100.00	\$200.00	\$300.00
3.2 (a)	Dog barking excessively	\$100.00	\$200.00	\$300.00
3.2(b)	Dog biting, chasing or stalking Animals, bicycles, automobiles or other motor vehicles	\$250.00	\$500.00	\$1,000.00
3.2(c)	Dog chasing or threatening a person	\$250.00	\$500.00	\$1,000.00
3.2(d)	Dog causing damage to property or other Animals, whether on the property of the Owner or not	\$250.00	\$500.00	\$1,000.00
3.2(e)	Dog injures a person or persons whether on the property of the Owner or not	\$400.00	\$800.00	\$1,600.00
3.2(f)	Dog bites a person or persons, whether on the property of the Owner or not	\$400.00	\$800.00	\$1,600.00
3.2(g)	Dog attacks a person or persons, whether on the property of the Owner or not	\$500.00	\$1000.00	\$2000.00
3.2(h)	Dog attacks a person or persons, whether on the property of the Owner or not, causing Severe Injury	\$2,000.00	\$2,000.00	\$2,000.00
3.2(i)	Dog repeatedly attacks a person or persons, whether on the property of the Owner or not, causing Severe Injury	\$2,000.00	\$2,000.00	\$2,000.00
3.2(j)	Dog causes death to another Animal	\$2,000.00	\$2,000.00	\$2,000.00
3.2(k)	Dog upsets any waste receptacles or scatter the contents thereof on any Public Property or on any private property not belonging to the Owner	\$150.00	\$300.00	\$600.00
3.3(a)	Animal in distress	\$500.00	\$1000.00	\$2,000.00
3.3(b)	Animal does not have adequate food or water	\$350.00	\$700.00	\$1,400.00
3.3(c)	Animal not provided with adequate care	\$350.00	\$700.00	\$1,400.00
3.3(d)	Animal not provided with protection from heat or cold	\$350.00	\$700.00	\$1,400.00
3.3(e)	Animal not provided with adequate shelter, ventilation, or space	\$350.00	\$700.00	\$1,400.00
3.4	Animal outside of passenger cab in vehicle	\$150.00	\$300.00	\$600.00
3.6	Animal feces not removed	\$150.00	\$300.00	\$600.00
3.7	Animal Owner does not have means to remove defecation	\$150.00	\$300.00	\$600.00
3.8	Animal Running at Large	\$150.00	\$300.00	\$600.00
3.9	Animal left unattended in motor vehicle improperly	\$350.00	\$700.00	\$1,400.00
3.12	Animal tethered or tied unattended on public property	\$150.00	\$300.00	\$600.00

**ALBERTA BEACH
BYLAW #291-23
ANIMAL CONTROL BYLAW**

Section	Offence	First Offence	Second Offence	Third and Subsequent Offences
3.13	Animal tethered or tied unattended on private property	\$150.00	\$300.00	\$600.00
3.14	Animal is a Nuisance	\$150.00	\$300.00	\$600.00
4.1(a)	Untie, loosed or free an Animal	\$350.00	\$700.00	\$1,400.00
4.1(b)	Tease or torment or provoke an Animal	\$150.00	\$300.00	\$600.00
4.1(c)	Opening Animal confinement	\$350.00	\$700.00	\$1,400.00
4.2	Failure to report animal in distress	\$350.00	\$700.00	\$1,400.00
5.8(a)	Vicious Dog not harnessed or on Leash	\$500.00	\$750.00	\$1,000.00
5.8(b)	Vicious Dog not in control of adult	\$500.00	\$750.00	\$1,000.00
5.8(c)	Vicious Dog not muzzled	\$500.00	\$750.00	\$1,000.00
5.9	Vicious Dog not kept or confined as required	\$500.00	\$750.00	\$1,000.00
5.11	Vicious Dog Owner failure to comply with requirements after designation of Vicious Dog	\$500.00	\$750.00	\$1,000.00
5.12	Vicious Dog failure to comply with conditions	\$500.00	\$750.00	\$1,000.00
5.13(a)	Vicious Dog chases a person or other animal	\$500.00	\$750.00	\$1,000.00
5.13(b)	Vicious Dog injures a person or other animal	\$2,000.00	\$2,000.00	\$2,000.00
5.13(c)	Vicious Dog bites a person or other animal	\$2,000.00	\$2,000.00	\$2,000.00
5.13(d)	Vicious Dog attacks a person or other animal	\$2,000.00	\$2,000.00	\$2,000.00
5.13(e)	Vicious Dog damages or destroys property	\$1,000.00	\$1,500.00	\$2,000.00
5.14	Vicious Dog in Off Leash Area	\$1,000.00	\$1,500.00	\$2,000.00
5.15	Sell or breed Vicious Dog	\$500.00	\$1,000.00	\$2,000.00
5.16(a)	Failure to notify of Vicious Dog Running at Large	\$500.00	\$1,000.00	\$2,000.00
5.16(b)	Failure to notify of incident with Vicious Dog	\$500.00	\$1,000.00	\$2,000.00
5.16(c)	Failure to notify of sale, surrender or death of Vicious Dog	\$500.00	\$1,000.00	\$2,000.00
6	Failure to comply with Section 6	\$500.00	\$1,000.00	\$2,000.00
7.7	Interfere with pursuit or seizure of Animal	\$500.00	\$1,000.00	\$2,000.00
8.6	Provide false information on application for License	\$350.00	\$700.00	\$1,400.00
8.7	Failure to notify Village of change	\$150.00	\$300.00	\$600.00
8.11	Failure to securely fasten License to Dog	\$50.00	\$100.00	\$200.00
9.1	Possess more than 3 Dogs / operate a Kennel	\$250.00	\$500.00	\$1,000.00
9.2	Keeping Livestock on residential property	\$250.00	\$500.00	\$1,000.00
9.3	Horses in Park where not authorized	\$150.00	\$300.00	\$600.00
9.4	Possess more than 5 Domestic Animals	\$250.00	\$500.00	\$1,000.00
10.1	Improper storage of Wildlife Attractants	\$150.00	\$300.00	\$600.00
10.2	Failure to remove Wildlife Attractant	\$150.00	\$300.00	\$600.00
10.3	Failure to remove Wildlife Attractant	\$150.00	\$300.00	\$600.00
10.4	Feed Wildlife	\$150.00	\$300.00	\$600.00
11.2	Obstruct Peace Officer	\$2,000.00	\$2,000.00	\$2,000.00

**ALBERTA BEACH
BYLAW #291-23
ANIMAL CONTROL BYLAW**

SCHEDULE B

Dr. IAN BUNBAR'S AGGRESSION SCALE

ASSESSMENT OF THE SEVERITY OF BITING PROBLEMS BASED ON AN OBJECTIVE EVALUATION OF WOUND PATHOLOGY	
LEVEL 1	Dog growls, lunges, snarls – no teeth touch skin. Mostly intimidation / threatening behaviour.
LEVEL 2	Teeth touch skin but no puncture. May have red mark / minor bruise from dog's head or snout, may have minor scratches from paws/nails. Minor surface abrasions or lacerations.
LEVEL 3	Punctures one to three holes, single bit. No tearing or slashes. Victim not shaken side to side. Bruising.
LEVEL 3.5	Multiple Level 3 bites.
LEVEL 4	Two to four holes from a single bite, typically contact / punctures from more than canines, considerable bruising. Black bruising, tears and/or slashing wounds. Dog clamped down and held and/or shook head from side to side.
LEVEL 5	Multiple bites at Level 4 or above. A concerted, repeated attack causing severe injury.
LEVEL 6	Any bite resulting in the death of an animal.

This Scale is developed by Dr. Ian Dunbar PhD, BVetMed, MRCVS, of Berkeley California. From his studies Dr Dunbar has been able to separate and classify bites into a generalized six level assessment protocol. Tills Scale is used as a standard throughout the world in canine aggression investigations and behavior assessment. Updated in 2012 for the City of Calgary Animal Services.

"Inhibitions are the mechanisms which compel an animal to interrupt an action in the middle of a sequence."(i)
"Good bite inhibition does not mean that your dog will never snap, lunge, nip, or bite. Good bite inhibition means that should the dog snap and lunge, his teeth will seldom make skin contact and should the dog's teeth ever make skin contact, the inhibited "bite" will cause little, if any, damage."

References

- (i). ABRANTES R. *Dog Language An Encyclopedia of Canine Behavior* 145. Wakan Tanka Publishers 1997
- (ii). DUNBAR. I. PhD, BVetMed, MRCVS *After you Get Your Puppy* 84. James & Kenneth Publishers 2001
- (iii). City of Calgary Animal Services. *Standard Operating Procedure for Peace Officers*. City of Calgary, 2012