

**Summer Village of Nakamun Park  
BYLAW NO. 2005-05**

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A BY-LAW FOR THE PURPOSE OF GOVERNING THE CONTROL OF ANIMALS WITHIN THE MUNICIPAL BOUNDARIES OF SUMMER VILLAGE OF NAKAMUN PARK IN THE PROVINCE OF ALBERTA

WHEREAS, pursuant to Section 7 of the Municipal Government Act, S.A. 1994,cM-26.1 the Municipality of the Summer Village of Nakamun Park may pass a bylaw for the purpose of governing the control of animals within the boundaries of the Summer Village of Nakamun Park:

Now therefore, the Council of the Summer Village of Nakamun Park duly assembled enacts as follows:

1.0 TITLE

1.1 This Bylaw may be cited as "Animal Control Bylaw"

2.0 DEFINITIONS

2.1 "Animal" will mean any domesticated animal, including but not limited to cattle, horses, fowl, sheep or goats;

2.2 "At large" will mean off the premises of the owner and not under the immediate, continuous and effective control of a competent person;

2.3 "Dog" will mean a male or female of the species over the age of three months and shall include bitch, spayed bitch, male or neutered male;

2.4 "Dog Catcher" will mean any person appointed by the Summer Village to carry out the provisions of this bylaw;

2.5 "Owner" shall mean and include any person owning, possessing, having charge of or control over or harbouring any animal or dog or suffering or permitting any animal or dog to remain about his house or premises;

2.6 "Run at large" A dog will be deemed to be running at large if it is off the property of the owner or harbourer and not confined on a lease ;

2.7 "Summer Village" means the Summer Village of Nakamun Park;

2.8 "Vicious dog" means:

- (i) any individual dog that when unprovoked inflicts bites or attacks a human being or other animal either on public or private property;
- (ii) any individual dog with a known propensity, tendency or disposition to attack without permission, to cause injury or to otherwise endanger the safety of human beings or domestic animals;
- (iii) any individual dog which attacks a human being or domestic animal without provocation;
- (iv) any individual dog owned or harboured primarily or in part for the purpose of dog fighting or any dog trained for dog fighting;
- (v) any individual dog which has been found to be a "dangerous dog" upon 3 separate occasions;

2.9 "Dangerous dog" will mean any individual dog which when either unmuzzled, unleashed or unattended approaches any person in an apparent attitude of attack upon street, sidewalks, or any other public grounds or place. ....2

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3.0 DOG CATCHER/POUND

- 3.1 The Summer Village Council may, by resolution, appoint a Dog Catcher and designate a place where dogs may be impounded.
- 3.2 Any dogs that are in contravention of the regulations of this bylaw may be impounded at the place designated as the Summer Village Dog Pound.
- 3.3 Any dog impounded pursuant to the provisions of the bylaw may be sold by the Dog Pound authorities, subject to the right of the owner to redeem said dog within 72 hours from the time of impounding by paying to the Summer Village Dog Pound the fine imposed for the offense. The 72 hours will not include days on which the Dog Pound is closed to the public.

4.0 REGULATIONS

- 4.1 No animals, other than cats, dogs and other small pets may be harboured on any property within the Summer Village boundaries.
- 4.2 No person or owner will permit any dog to run at large within the boundaries of the Summer Village.
- 4.3 No person will remove or attempt to remove any animal or small pet, including a dog from the possession of the dog Catcher or the Dog Pound prior to having paid the outstanding fines.
- 4.4 No person, whether or not he or she is the owner of a dog or small pet which is being pursued by the Dog Catcher, will:
  - (i) interfere with or attempt to obstruct a Dog Catcher from enforcing the provisions of this bylaw;
  - (ii) induce any dog, or small pet or animal to enter a house or other place where it may be safe from capture or otherwise assist the dog, small pet or animal to escape capture;
  - (iii) falsely represent himself as being in control of a dog, so as to establish that the dog is not running at large; or
  - (iv) unlatch or open the vehicle in which dogs captured for impounding have been placed, so as to allow dogs to escape therefrom.
- 4.5 It will be the duty of the occupant of any house or premises in or about which any bitch is kept or allowed to remain, to keep such bitch housed and confined during the whole period such bitch is in heat.
- 4.6 No person will allow any dog to howl or bark excessively or in a manner to disturb the quiet of any person.
- 4.7 It will be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless such dog is at all times kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are:
  - (1) it is necessary for the owner or keeper to obtain veterinary care for the vicious dog or
  - (2) to sell or give away the vicious dog or .....3

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(3) to comply with the order of a court of competent jurisdiction, provided that said vicious dog is securely muzzled and restrained with a chain having a tensile strength of 300 lbs. not exceeding 3 feet in length and shall be kept under the direct control and supervision of the owner or keeper of the vicious dog.

Any dog that has been found to be a vicious dog and which is not confined to an enclosure will be turned over to a licensed veterinarian for destruction by euthanasia. Any owner or keeper of a vicious dogs who sells or gives away, or who possess with the intent to sell any vicious dog will give written notice to the person who will be receiving the vicious dog that said dog has been found to be a vicious dog.

4.8 Any owner who permits a dangerous dog to run at large is subject to a fine over and above any other fine of the Bylaw.

4.9 No dog be allowed to defecate on any public or private property other than the property of its owner. If a dog defecates on any public or private property, the owner will cause such defecation to be removed immediately.

**5.0 TICKETS/FINES**

5.1 An animal control ticket issued to any person contravening any provision of this bylaw will be deemed to be sufficiently served if :

- (i) served personally on the owner of the animal; or
- (ii) mailed by registered mail to the address of the owner as recorded on the Summer Village tax roll; or
- (iii) left at the residence of the accused in care of a person who appears to be at least 16 years of age.

5.2 Fines will be as follows:

<u>Infraction</u>	<u>1<sup>st</sup> Offence</u>	<u>Fine</u> <u>2<sup>nd</sup> Offence</u>	<u>3<sup>rd</sup> Offence</u>
1. Harbours Prohibited Animals (Sec.4.1)	\$ 25.00		
2. Running at large (Sec.4.2)	\$ 75.00	\$150.00	\$ 300.00
3. Removing from custody (Sec. 4.3)	\$ 200.00		
4. Interfering with capture (Sec.4.4)	\$ 125.00		
5. Not confining bitch in heat (Sec. 4.5)	\$ 75.00	\$ 100.00	\$ 125.00
6. Barking or Howling (Sec. 4.6)	\$ 75.00	\$ 100.00	\$ 125.00 .....4

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<u>Infraction</u>	<u>1<sup>st</sup> Offence</u>	<u>Fine</u> <u>2<sup>nd</sup> Offence</u>	<u>3<sup>rd</sup> Offence</u>
7. Failure to confine vicious dog (Sec.4.7)	\$ 500.00		
8. Permitting a dog in park (Sec. 4.9)	\$ 75.00	\$ 100.00	\$ 125.00
9. Failure to remove defecation (Sec. 4.10)	\$ 50.00	\$ 75.00	\$ 100.00

5.3 An offence will not be deemed to have been repeated if the subsequent offences are committed after expiration period of six months.

5.4 If an animal control ticket issued to an owner as a result of an infraction of this bylaw is not paid in accordance with the terms of the ticket, an information may be filed and a summons issued and prosecution conducted against such owner for the alleged violation.

5.5 Any person who contravenes any of the provisions of this bylaw will be liable upon summary conviction to a penalty not to exceed \$ 500.00 plus costs, or in default of payment, to imprisonment for a period not exceeding 30 days.

This bylaw will come into force and take effect upon the date of the third and final reading.

Read a first time this 15<sup>th</sup> day of June, 2005.

Read a second time this 15<sup>th</sup> day of June, 2005 .

Read a third time and passed this 15<sup>th</sup> day of June, 2005.

Summer Village of Nakamun Park

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William Burrell, Mayor

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Hilda Marsh, CAO