

VILLAGE OF SPRING LAKE
BYLAW NO. 372

BEING A BYLAW OF THE VILLAGE OF SPRING LAKE FOR THE PURPOSE OF REGULATING ANIMALS, TO PROMOTE
RESPONSIBLE ANIMAL OWNERSHIP.

WHEREAS the *Municipal Government Act*, R.S.A. 2000, c. M-26, authorizes a municipality to pass bylaws respecting the safety, health and welfare of people and the protection of people and property and respecting wild and Household Pets and activities relating to them; and

WHEREAS the *Municipal Government Act*; RSA 2000 c. M26, authorizes a municipality to pass bylaws regarding the remedying of contraventions of bylaws;

WHEREAS it is desirable and in the best interest of the public to pass a bylaw to regulate and control Household Pets, Animals and birds;

NOW THEREFORE, the Council of the Village of Spring Lake duly assembled and under the authority of the *Municipal Government Act*, as amended, hereafter enacts the following:

SECTION 1 -DEFINITIONS

- 1(1) This Bylaw may be cited as the "Village of Spring Lake Animal Control Bylaw".
- 1(2) For the purposes of this Bylaw the following definitions shall apply:
- (a) "Animal" means Household Pet as defined in 1(2)(o);
 - (b) "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 neighbourhood;
 - (c) "Animal Shelter" means a facility used by the Village for the purposes of housing and providing care for impounded Dogs or other animals, collecting fees, and otherwise assisting with the administration of this Bylaw, and may include a veterinary clinic;
 - (d) "Chief Commissioner" means the Chief Administrative Officer of the Village, or delegate;
 - (e) "Communicable Diseases" means diseases which can be passed from Animal to Animal, and Animal to Person;
 - (f) "Council" means the Council of the Village of Spring Lake;
 - (g) "Village" means the municipality of the Village of Spring Lake;
 - (h) "Court" means a court of competent jurisdiction in the Province of Alberta;
 - (i) "Dangerous Dog" means any Dog designates as such in accordance with Section 7 of this Bylaw and includes a Dog declared dangerous pursuant to the Dangerous Dogs Act or similar enactment;
 - (j) "Dangerous Dog Act" means the Dangerous Dog Act, RSA 2000, c D-3;
 - (k) "Dangerous Dog Notice" is a written notice from the Chief Commissioner informing an Owner that the Owner's Dog has been declared dangerous, in accordance with the provision of this Bylaw;
 - (l) "Dog" means a canine animal over the age of six (6) months;
 - (m) "Fees and Charges Bylaw" means the Village of Spring Lake Fees and Charges Bylaw.
 - (n) "Fees and Charges Schedule" means the Parkland County Enforcement Services Fees and Charges Schedule.
 - (o) "Household Pet" means a canine, feline or other domestic animal;
 - (p) "Justice" has the meaning as defined in the *Provincial Offences Procedure Act*, RSA 2000, c. P-34;
 - (q) "License" means a License granted by the Village to an Owner for a specific Dog pursuant to this Bylaw for the purpose of regulating and tracking Dogs;
 - (r) "Municipal Government Act" means the *Municipal Government Act*, RSA 2000, c. M-26 as amended or replaced from time to time;
 - (s) "Owner" means any Person:
 - (i) owning, possessing, having charge of or care and control over or harbouring any Animal, Dog or Household Pet,
 - (ii) suffering or permitting any Dog to remain on or about the property owned or controlled by that Person,
 - (iii) to whom a License was issued for a Dog,
 - (iv) as registered on the title at the Land Titles Office,
 - (v) who is recorded as the Owner of the property on the Village's assessment roll,
 - (vi) who is an occupant of the property under lease, license, or permit;
 - (vii) a Person who claims and receives a Dog from the custody of an Animal Shelter or a Peace Officer;
 - (viii) a Rescue Organization;
 - (t) "Peace Officer" has the same meaning as in the *Provincial Offences Procedure Act*;
 - (u) "Person" includes a corporation, an individual, and the heirs, executors, administrators or other legal representatives of an individual;
 - (v) "Provincial Court" means The Provincial Court of Alberta;

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- (w) "Provincial Offences Procedures Act" mean the *Provincial Offences Procedures Act*, RSA 2000, c. P34 and the regulation thereof, as amended or replaced from time to time;
- (x) "Rescue Organization" means a Person that is engaged in finding permanent homes for rescue Household Pets that is recognized as a rescue organization by the Chief Commissioner for the purposes of this Bylaw;
- (y) "Residence" means a property, home, house, shelter, room, place, building, or structure, including a portion of a multi-unit building or structure, including the lands associated to it, that is occupied by, in the possession of, or under the control of a Person who lives or resides there;
- (z) "Running at Large" means:
 - (i) Any Dog that is off the property of the Owner or harbourer and is not on a leash or lead and under the control of a responsible or competent Person capable of controlling the Dog. The leash or lead shall not be greater than three (3) metres in length;
 - (ii) Any Animal that is off the property of the Owner or harbourer.
- (aa) "Secure Enclosure" means a structure, fenced area or other enclosed space that prevents a Dog from leaving that space without assistance from a Person, and that is sufficiently secured to prevent Persons other than the Owner from accessing the Dog;
- (bb) "Serious wound" means an injury resulting from a Dog attack which causes a breaking of the skin or flesh to be torn;
- (t) "Trespasser" means one who enters another's property;

SECTION 2 - ORDERS

- 2(1) If a designated officer of the Village finds that a Person is in contravention of this Bylaw, the designated officer may by written order, require the Person responsible for the contravention to remedy it if the circumstances so require.
- 2(2) Every Order written with respect to this Bylaw must:
 - (a) Indicate the Person to whom it is directed;
 - (b) Identify the Person to which the Order relates by municipal address or legal description;
 - (c) Identify the date it was issued;
 - (d) Identify how the Person fails to comply with this Bylaw;
 - (e) Identify the specific provisions of the Bylaw the Person contravenes;
 - (f) Identify the nature of the action required to be taken to be compliant;
 - (g) Identify the time within which the action must be completed;
 - (h) Indicate that if the required action is not completed within the time specified, the Village may take whatever action or measures are necessary to remedy the contravention;
 - (i) Indicate expenses and costs of any action or measures taken by the Village under this section are an amount owing to the Village by the Person to whom the Order is directed.
 - (j) Indicate the expenses and costs referred to in this section may be attached to the tax roll of the Person's property if such costs are not paid by a specified time;
- 2(3) An Order written pursuant to this Bylaw will be deemed to have been served on the Owner or Person when the Order has been:
 - (a) Personally delivered to the Owner or Person;
 - (b) Left for the Owner or Person at his or her residence or with a Person on the premises who appear to be at least eighteen years of age;
 - (c) Sent via registered mail addressed to the last known postal address of the Owner or Person; or
 - (d) Posted in a conspicuous place on the property referred to on the Order, when the Peace Officer has reason to believe:
 - (i) That the Owner to whom the Order is addressed is evading service; or
 - (ii) No other means of service is available.
 - (e) If an Order is sent via registered mail as referred to in Section 2(3)(c) then it is deemed to be received by the Owner seven (7) days after the Order was mailed.
- 2(4) Every Person who fails to comply with an Order issued pursuant to this Bylaw within the time set out in the Order commits an offence.

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SECTION 3 - ENFORCEMENT

General Penalty Provision

- 3(1) A Person who contravenes this Bylaw by:
 - (a) Doing any act or thing which the Person is prohibited from doing; or
 - (b) Failing to do any act or thing the Person is required to do; is guilty of an offence.
- 3(2) Any Person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding ten thousand dollars (\$10,000.00) and in default of payment of any fine imposed to a period of imprisonment not exceeding six (6) months.

Violation Tickets and Penalties

- 3(3) 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 Procedures Act*.
- 3(4) Where there is a specified penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the specified penalty for the offence.
- 3(5) Notwithstanding specified penalties set out in Schedule "A" to this Bylaw:
 - (a) If a Person is convicted twice under the same provision of this Bylaw within a twenty-four (24) month period, the specified penalty for the second conviction shall be twice the amount of the specified penalty for a first offence; and
 - (b) If a Person is convicted three or more times under the same provision of this Bylaw within a twenty-four (24) month period the penalty for the third and subsequent convictions shall be triple the amount of the specified penalty for a first offence.
- 3(6) This section does not prevent any Peace Officer from issuing a violation ticket requiring a Court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedures Act*, or from laying an information in lieu of a violation ticket.
- 3(7) The Village is not required to enforce this Bylaw. In deciding whether to enforce this Bylaw, the Village may take into account any practical concerns including available municipal budget and personnel resources.

SECTION 4 - RESPONSIBILITIES OF ANIMAL/DOG OWNERS

- 4(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 in control at all times when off property; and
 - (c) Ensure the Dog is Licensed in accordance to Section 9.
- 4(2) The Owner of a female Dog shall keep such Dog housed and confined during the whole period such Dog is in season.
- 4(3) No Dog that is suffering from a Communicable Disease is permitted to come in contact with other Animals, Dogs or humans. The Owner of said distressed Dog shall ensure the Dog is kept confined.

SECTION 5 - INTERFERENCE WITH ANIMALS OR DOGS

- 5(1) No Person shall:
 - (a) Untie, loosen or otherwise free an Animal or Dog which has been tied or otherwise restrained; or
 - (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 or 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 in the Village.

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SECTION 6 - NUISANCE

- 6(1) No Person shall allow a Dog to:
- (a) Howl or bark excessively or in a manner to unreasonably interfere with the use and/or enjoyment of another Person's property;
 - (b) Bite, attempt to bite, bark at, chase, or otherwise attempt to threaten any Person, Household Pet, poultry, or livestock whether on the Owner's property or not;
 - (c) Bite, bark at, or chase any bicycle, motor vehicle;
 - (d) Upset any waste receptacles or scatter the contents thereof on any public property or on any private property not belonging to the Owner; or
 - (e) Do any other act which causes harm, damage, or injury to another Household Pet, Person, livestock, or property.

SECTION 7 - DANGEROUS DOG

- 7(1) The Chief Commissioner may declare a Dog to be Dangerous Dog for the purposes of this Bylaw by issuing a Dangerous Dog Notice to the Dog's Owner if the Chief Commissioner has reasonable grounds to believe either through personal observation or investigation that the Dog:
- (a) is the subject of an Order under the Dangerous Dogs Act or similar enactment;
 - (b) is the subject of a conviction under any bylaw or enactment for injuring, harming, attacking or killing a Person or an Animal;
 - (c) has inflicted a serious wound on a Person or Animal; or
 - (d) has a known propensity to, without lawful excuse, harm, attack, injure or kill another Animal or a Person.
- 7(2) Where the Chief Commissioner declares a Dog to be a Dangerous Dog, the Chief Commissioner shall serve a Dangerous Dog Notice on the Dog's Owner which shall contain:
- (a) the declaration;
 - (b) the conditions, restrictions, and requirements imposed as a consequence of the declaration; and
 - (c) information on how to appeal the declaration.
- 7(3) The Chief Commissioner may deliver a Dangerous Dog Notice by:
- (a) Personally serving notice on the Owner;
 - (b) delivering the notice by pre-paid registered post to the Owner at the address provided by the Owner for the Dog's License or the Owners' last know postal address; or
 - (c) by posing the notice to the door or other conspicuous location at the Owner's property.
- 7(4) A Dangerous Dog Notice is deemed, in the absence of evidence to the contrary, to have been received by the Owner on the day following the date on which it is delivered or posted at the Owner's property, and on the seventh day following the date of mailing if sent by pre-paid registered post
- 7(5) The Owner of a Dog that has been served with the Dangerous Dog Notice must within fifteen (15) days of the date of service, unless the Chief Commissioner in writing varies the requirements or the time of compliance;
- (a) obtain a Dangerous Dog License;
 - (b) post signage at the Owner's property to notify the public of the presence of a Dog that has been declared a Dangerous Dog;
 - (c) obtain and deliver to the Village a copy of the Owner's insurance coverage for Dog related injuries in an amount not less than one million dollars (\$1,000,000.00)
 - (d) if the Dog is not microchipped, obtain a microchip for the Dog; and
 - (e) deliver to the Village copies of the Dog's microchip, tattoo, Canadian Kennel Club or other documents to allow the Village to identify the Dog.
- 7(6) In addition to complying with the provisions of this Bylaw that apply to all Owner's and other Persons, an Owner of a Dangerous Dog:
- (a) must not permit the Dangerous Dog to be located with 100 metres of an off-leash area;
 - (b) must maintain the Dangerous Dog in a secure enclosure when it is not attached to a leash;
 - (c) exercise the Dangerous Dog on a leash that is no longer than two (2) metres in length;
 - (d) securely fasten a muzzle to the Dangerous Dog when it is at a location other than the Owner's property; and

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- (e) must not allow any Person other than an adult Person to have physical control of the Dangerous Dog while it is at a location other than the Owner's property.
- 7(7) An Owner of the Dangerous Dog must obtain a Dangerous Dog License for the Dog not later than January 31 each year.
- 7(8) The Chief Commissioner may impose conditions and restrictions on a Dangerous Dog Licence.
- 7(9) An Owner who obtains a Dangerous Dog Licence is not required to obtain a Dog Licence in addition to the Dangerous Dog Licence.
- 7(10) An Owner of a Dangerous Dog or other Person who fails to comply with a provision under this Section is guilty of an offence.
- 7(11) If an Owner of a Dog declared to be dangerous under this Section fails to comply with the requirements of this Section, a Peace Officer may direct the Owner to comply, or pursuant to a warrant, seize the Dog and deliver it to an Animal Shelter pending further order of the Court.

SECTION 8 -IMPOUNDMENT

- 8(1) A Peace Officer may capture or impound any Dog that is found Running at Large or which is required to be impounded pursuant to any provincial or federal law.
- 8(2) Council shall establish one or more Animal Shelters for the keeping of impounded Dogs captured for violations of this Bylaw. Council is hereby empowered and authorized to make such rules and regulations as they consider necessary for the operation of the said Animal Shelter(s) and shall appoint shelter keepers and Peace Officers and such other Persons as are necessary for carrying out the provisions of this Bylaw.
- 8(3) Council may make arrangements or agreements with the Society for the Prevention of Cruelty to Animals or any other organization or Persons for the purpose of capturing and impounding of Dogs unlawfully Running at Large.
- 8(4) It shall be the duty of the shelter keeper and other such Persons authorized by Council to confine all Dogs captured for violation of this Bylaw in the animal shelter subject to the Owner's right to redeem that Dog within seventy-two (72) hours from the time of impounding upon paying the shelter keeper the amounts set out for each Dog impounded. Any Dog not redeemed within the time specified herein may be sold, destroyed, adopted, or otherwise disposed of.
- 8(5) Impoundment fees shall be as per the Fees and Charges Schedule for Parkland County for each day of confinement.
- 8(6) No Dog shall be released until all fees incurred are paid in full by cash, debit, or credit card.
- 8(7) No Person shall interfere with or attempt to obstruct a Peace Officer who is attempting to capture, or who has captured a Dog as per this Bylaw.

SECTION 9 -LICENSING

- 9(1) The Owner of a Dog that is over the age of six (6) months shall obtain a License for such Dog and shall pay the fee as set out in the Fees and Charges Bylaw for the Village of Spring Lake. Every Owner, when requested by a Peace Officer, shall submit to the Peace Officer acceptable documentation establishing the Dog's age or such other information as the Peace Officer may require in order to determine the License payable by that Owner.
- 9(2) No more than two (2) Dogs shall be harboured on a registered property within the Village boundaries, at one-time unless;
 - (a) the property Owner signs and agrees to the terms of the Animal Control Bylaw Dog Registration and Compliance form and it is approved by the Chief Commissioner.
- 9(3) The Owner of a Dog shall obtain a Licence for the Dog within fifteen (15) days of becoming Owner of the

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Dog.

- 9(4) The Owner shall ensure that the License tag issued for that Dog shall be attached to a collar worn by the Dog at all times when the Dog is off the Owner's property.
- 9(5) If a Dog is not wearing a collar 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 Dog License within twenty-four (24) hours of notice to the Owner. No refund or rebate shall be made on any paid License fee. Upon losing a Dog License tag an Owner of a Dog shall present the receipt for the License fee to the Village who will issue a new License tag to the Owner for the fee set out in the Fees and Charges Schedule.
- 9(6) Dog Licenses and tags for the Village are not required by Persons temporarily in the Village for a period not exceeding twenty-one (21) days. The period may be extended by receiving written permission from the Chief Commissioner.
- 9(7) The Village shall keep a record of each License in which the following shall be recorded:
- (a) Name and address of the Owner;
 - (b) Breed, colour, sex and name of each Owner's Dog;
 - (c) Date of registration of each Owner's Dog;
 - (d) The number stamped on each License tag issued to the Owner;
 - (e) The amount of License fee paid by the Owner; and
 - (f) The tattoo number or microchip number registered to the Dog. The Owner must provide a certificate of registration.
- 9(8) The Owner of a Dog shall immediately report to the Village of Spring Lake any change in the information contained in Section 9(7).
- 9(9) All Licenses are transferable at the same cost as a replacement License tag as per the Fees and Charges Bylaw for the Village of Spring Lake.
- 9(10) A License and License tag shall be issued free of charge to:
- (a) Seeing Eye Dogs for the legally blind;
 - (b) Hearing Ear Dogs for the legally deaf;
 - (c) Wheelchair assist Dogs to those confined to a wheelchair;
 - (d) Trained search Dogs whose Owners are members of a recognized search Dog Association. Such recognition shall be at the discretion of Council and recorded as a Council resolution.

SECTION 10-ANIMAL/DOG CRUELTY

- 10(1) No Person or Owner shall cause or permit an Animal or Dog to be in distress.
- 10 (2) A Person or Owner shall:
- (a) Ensure that the Animal or Dog has adequate food and water, and
 - (b) Provide the Animal or Dog with adequate care when the Animal or Dog is wounded or ill, and
 - (c) Provide the Animal or Dog with reasonable protection from injurious heat or cold, and
 - (d) Provide the Animal or Dog with adequate shelter, ventilation, and space

SECTION 11 -SEVERABILITY

- 11(1) If any provision of this Bylaw is held to be invalid by a decision of a court of competent jurisdiction, that decision will not affect the validity of the remaining portions.

SECTION 12 -TRANSITION

- 12(1) Upon coming into force of this Bylaw, Bylaw No. 299, 329, 335 and 349 are repealed.
- 12(2) Schedule "A" forms part of this Bylaw.
- 12(3) This Bylaw shall come into force and effect upon the final passing and signing thereof.

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READ a first time this 9th day of April, 2019.

READ a second time this 11th day of June 2019.

READ a third time and finally passed this 10th day of July, 2019.



Mayor



Chief Administrative Officer

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SCHEDULE "A"

THE SCHEDULE

WHEREAS under the provisions of Section 44 of the Provincial Offences Procedure Act, being the Revised Statutes of Alberta and amendments thereto and under the provisions of Section 7 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, and amendments thereto, the Council of a municipality may by bylaw provide for the payment fines for offences, or summons out of Court.

WHEREAS a violation ticket may be issued by a Peace Officer to any Person charged with a breach of any of the provisions of this Bylaw.

Bylaw Section	Offence	Specified Penalty
2(4)	Fail to Comply with Order	\$250.00
4(1)(a)	Dog Running at Large	\$250.00
4(1)(b)	Dog Off-Leash	\$250.00
4(2)	Female Dog in season improperly housed	\$500.00
4(3)	Dog with Communicable Disease - Fail to confine or allow contact with Person or other animal	\$1000.00
4(4)	Animal Running at Large	\$250.00
5(1)	Interference with Animals	\$100.00
5(1)(a)	Howl or bark excessively	\$500.00
6(1)(b)	Bite, attempt to bite, bark at, chase livestock or other domestic animal or Person	\$1000.00
6(1)(c)	Bite, bark at or chase a vehicle	\$200.00
6(1)(d)	Upset waste receptacle, or scatter content thereof	\$250.00
6(1)(e)	Do any other act that causes harm or injury	\$500.00
DANGEROUS DOG		
7(5)(a)	Failure to obtain a Dangerous Dog Licence or comply with conditions and restriction in licence	\$2000.00
7(5)(b)	Failure to post signage to notify public of Dangerous Dog at Owner's property.	\$1500.00
7(6)(a)	Dangerous Dog with 100 metres of an off-leash area	\$1500.00
7(6)(b)	Failure to maintain Dangerous Dog in secure enclosure at Owner's property.	\$1500.00
7(6)(c)	Dangerous Dog attached to leash longer than two metres while off Owner's property	\$1500.00
7(6)(d)	Dangerous Dog not wearing muzzle when off Owner's property.	\$1500.00
7(6)(e)	Dangerous Dog not under physical control of adult Person while off Owner's property	\$1500.00
8(7)	Obstruct a Peace Officer	\$2500.00
LICENSING		
9(1)	Failure to obtain a Dog License	\$250.00
9(4)	Failure to attach License to collar	\$100.00
9(8)	Failure to notify The Village of Spring Lake of change	\$250.00
ANIMAL/DOG CRUELTY		
11 (1)	Cause/Permit an Animal or Dog to be in distress	\$500.00
11 (2)(a)	Failure to provide adequate food/water	\$500.00
11 (2)(c)	Failure to provide adequate shelter	\$500.00