

**Summer Village of Kapasiwin  
In the Province of Alberta  
Responsible Pet Ownership Bylaw  
Bylaw No. 258-2019**

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A Bylaw of the Summer Village of Kapasiwin in the Province of Alberta to govern the control of animals within the municipal boundaries.

**Whereas**, under provisions of the Municipal Government Act, Chapter M-26 of the Revised Statutes of Alberta, 2000 and amendments thereto, the Council may pass bylaws respecting domestic animals and activities in relation to them and;

**Whereas**, the Council of the Summer Village of Kapasiwin deems it in the best interest of animal owners and the public in general for the Summer Village of Kapasiwin to regulate control of animals within its boundaries:

**Now Therefore**, the Council of the Summer Village of Kapasiwin in Council duly assembled, hereby enacts as follows:

**1. Title**

- a) This Bylaw may be cited as the Responsible Pet Ownership Bylaw.

**2. Definitions**

- a) "Animal" shall mean any domesticated animal including dog, cat any small household pet.
- b) "Animal Control Officer" shall mean an R.C.M.P. Officer, Peace Officer, Special Constable or Bylaw Enforcement Officer appointed by Council to carry out the provisions of this Bylaw.
- c) "Animal Holding Facility" shall mean a facility used by the Summer 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 Summer Village, or delegate;
- e) "Court" means a court of competent jurisdiction in the Province of Alberta;
- f) "Dangerous Dog" means any Dog designated as such in accordance with Section 4 of this Bylaw and includes a Dog declared dangerous pursuant to the Dangerous Dogs Act or similar enactment;
- g) "Dangerous Dog Act" means the Dangerous Dog Act, RSA 2000, c D-3;
- h) "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;

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- i) "Dog" shall mean a male or female of the species over the age of six months and shall include bitch, spayed bitch, male or neutered male.
- j) "Footpath Easement" shall mean a right-of-way for a footpath 3.05 metres (10ft.) in width lying within the limits of the plan registered in the Land Titles Office for the North Alberta Land Registration District as Plan No. 9021906 on July 10, 1990, pursuant to instrument number 902203995 and granted by virtue of easement instrument registered against certain titles to parcels within the Summer Village of Kapasiwin as Instrument No. 1420 E.T. and being a right-of-way granted in favour of the property owners of the Summer Village of Kapasiwin and their invitees for the purpose of a continuous and uninterrupted footpath.
- k) "Justice" has the meaning as defined in the Provincial Offences Procedure Act, RSA 2000, c. P-34;
- l) "Municipal Government Act" means the Municipal Government Act, RSA 2000, c. M-26 as amended or replaced from time to time;
- m) "Owner" means any Person:
  - i. owning, possessing, having charge of or care and control over or harbouring any Animal or,
  - ii. suffering or permitting any Dog to remain on or about the property owned or controlled by that Person,
  - iii. as registered on the title at the Land Titles Office,
  - iv. who is recorded as the Owner of the property on the Summer Village's assessment roll,
  - v. who is an occupant of the property under lease, license, or permit; or
  - vi. a Person who claims and receives a Dog from the custody of an Animal Shelter or a Peace Officer.
- n) "Person" includes a corporation, an individual, and the heirs, executors, administrators or other legal representatives of an individual;
- o) "Provincial Court" means The Provincial Court of Alberta;
- p) "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;
- q) "Residence" means a property, home, shelter, room, place, building, 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 resided there;
- r) "Run at Large" shall mean an animal that is at any place other than the property of the owner or the property of the harboured, or is not otherwise restrained by a leash held by a person and that leash is attached to a choke chain, collar, or harness, securely holding the animal.

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- s) "Serious wound" means an injury resulting from a Dog attack which causes a breaking of the skin or flesh to be torn;
- t) "Summer Village" means the Summer Village of Kapasiwin in the Province of Alberta.

**3. REGULATIONS**

- a) No animals, other than cats, Dogs and other small domestic pets may be harboured on any property within the Summer Village boundaries;
- b) No person or owner shall permit any Animal or Dog to run at large within the boundaries of the Summer Village.
- c) No person shall remove or attempt to remove an Animal or Dog from the possession of the Animal Control Officer or the Animal Holding Facility prior to having paid the outstanding fines and fees.
- d) No person, whether or not he or she is the owner of an Animal or Dog which is being pursued by the Animal Control Officer, shall:
  - i. interfere with or attempt to obstruct an Animal Control Officer from enforcing the provisions of this Bylaw;
  - ii. induce any Animal or Dog to enter a house or place where it may be safe from capture or otherwise assist the Dog or animal to escape capture;
  - iii. falsely represent himself as being in control of an Animal or Dog, so as to establish that the Animal or Dog is not running at large;
  - iv. unlatch or open the vehicle in which Animals or Dogs captured for impounding have been placed, so as to allow Dogs to escape there from.
- e) It shall be the duty of the occupant of any house or premises in or about which any female Animal or Dog is kept or allowed to remain, to keep such animals housed and confined during the whole period during which the female is in heat.
- f) No person shall allow any Dog to howl or bark excessively.
- g) No Animal or Dog shall be allowed to defecate on any public or private property other than the property of its owner. If an Animal or Dog defecates on any public or private property, the owner shall cause such defecation to be removed immediately.
- h) Any Dog or Animal that can access the Footpath Easement must be in direct supervision, sight and control of the Owner or any other Person on the private property.
- i) It is the duty of the Owner or any other Person on the private property to control an Animal or Dog from approaching any Person accessing Footpath Easement.

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**4. DANGEROUS DOGS**

- a) 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:
  - i. is the subject of an Order under the Dangerous Dogs Act or similar enactment;
  - ii. is the subject of a conviction under any bylaw or enactment for injuring, harming, attacking or killing a Person or an Animal;
  - iii. has inflicted a serious wound on a Person or Animal; or
  - iv. has a known propensity to, without lawful excuse, harm, attack, injure or kill another Animal or a Person.
  
- b) 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:
  - i. the declaration;
  - ii. the conditions, restrictions, and requirements imposed as a consequence of the declaration; and
  - iii. information on how to appeal the declaration.
  
- c) The Chief Commissioner may deliver a Dangerous Dog Notice by:
  - i. Personally serving notice on the Owner;
  - ii. 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
  - iii. by posing the notice to the door or other conspicuous location at the Owner's property.
  
- d) 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
  
- e) 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;
  - i. post signage at the Owner's property to notify the public of the presence of a Dog that has been declared a Dangerous Dog;
  - ii. obtain and deliver to the Summer 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)
  - iii. if the Dog is not microchipped, obtain a microchip for the Dog; and
  - iv. deliver to the Summer Village copies of the Dog's microchip, tattoo, Canadian Kennel Club or other documents to allow the Summer Village to identify the Dog.
  
- f) In addition to complying with the provisions of this Bylaw that apply to all Owners and other Persons, an Owner of a Dangerous Dog:
  - i. must maintain the Dangerous Dog in a secure enclosure when it is not attached to a

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- leash;
  - ii. exercise the Dangerous Dog on a leash that is no longer than two (2) metres in length;
  - iii. securely fasten a muzzle to the Dangerous Dog when it is at a location other than the Owner's property; and
  - iv. 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.
- g) An Owner of a Dangerous Dog or other Person who fails to comply with a provision under this Section is guilty of an offence.
- h) If an Owner of a Dog declared to be dangerous under this Section fails to comply with the requirements of this Section, a Animal Control 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.

**5. ORDERS**

- a) If an Animal Control of the Summer Village finds that a Person is in contravention of this Bylaw, the Animal Control Officer may by written order, require the Person responsible for the contravention to remedy it if the circumstances so require.
- b) Every Order written with respect to this Bylaw must:
- i. Indicate the Person to whom it is directed;
  - ii. Identify the Person to which the Order relates by municipal address or legal description;
  - iii. Identify the date it was issued;
  - iv. Identify how the Person fails to comply with this Bylaw;
  - v. Identify the specific provisions of the Bylaw the Person contravenes;
  - vi. Identify the nature of the action required to be taken to be compliant;
  - vii. Identify the time within which the action must be completed;
  - viii. Indicate that if the required action is not completed within the time specified, the Summer Village may take whatever action or measures are necessary to remedy the contravention;
  - ix. Indicate expenses and costs of any action or measures taken by the Summer Village under this section are an amount owing to the Summer Village by the Person to whom the Order is directed.
  - x. 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;
- c) An Order written pursuant to this Bylaw will be deemed to have been served on the Owner or Person when the Order has been:
- i. Personally delivered to the Owner or Person;
  - ii. 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;
  - iii. Sent via registered mail addressed to the last known postal address of the Owner or

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- Person; or
- iv. 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.
- v. If an Order is sent via registered mail as referred to in Section 5 c) iii. then it is deemed to be received by the Owner seven (7) days after the Order was mailed.
  
- d) 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.

**6. ENFORCEMENT**

**General Penalty Provision**

- a) A Person who contravenes this Bylaw by:
  - i. Doing any act or thing which the Person is prohibited from doing; or
  - ii. Failing to do any act or thing the Person is required to do; is guilty of an offence.
  
- b) 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**

- c) Where an Animal Control Officer believes that a Person has contravened any provision of this Bylaw, the Animal Control Officer may commence proceedings against the Person by issuing a violation ticket pursuant to the *Provincial Offences Procedures Act*.
  
- d) 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.
  
- e) Notwithstanding specified penalties set out in Schedule "A" to this Bylaw:
  - i. 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
  - ii. 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.
  
- f) This section does not prevent any Animal Control 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.
  
- g) The Summer Village is not required to enforce this Bylaw. In deciding whether to enforce this Bylaw, the Summer Village may take into account any practical concerns including available

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municipal budget and personnel resources.

**7. Severability**

- a) It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid; all other provisions hereof shall remain valid and enforceable.

**8. Repeal of Bylaw**

- a) That Bylaw No. 197 and all amendments be hereby repealed.

**9. Effective Date**

- a) This Bylaw shall come into full force and effect, on the date of third and final reading.

READ a first time on this 24<sup>th</sup> day of April 2019.

READ a second time on this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

READ a third and final time on this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

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**SCHEDULE "A"**

**FINES**

Fines shall be as follows:

<b>1</b>	<b>Infraction</b>	<b>Section</b>	<b>Fine</b>
	Harbouring prohibited animals	(3)(a)	\$ 75.00
	Running at large	(3)(b)	\$ 75.00
	Removing from custody	(3)(c)	\$150.00
	Interfering with capture	(3)(d)	\$150.00
	Not confining bitch in heat	(3)(e)	\$150.00
	Barking or howling	(3)(f)	\$ 75.00
	Failure to remove defecation	(3)(g)	\$ 75.00
	Failure to post signage to notify public of Dangerous Dog at Owner's property.	4(e)(i)	\$1500.00
	Failure to maintain Dangerous Dog in secure enclosure at Owner's property.	4(f)(i)	\$1500.00
	Dangerous Dog attached to leash longer than two metres while off Owner's property	4(f)(ii)	\$1500.00
	Dangerous Dog not wearing muzzle when off Owner's property.	4(f)(iii)	\$1500.00
	Dangerous Dog not under physical control of adult Person while off Owner's property	4(f)(iv)	\$1500.00

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SCHEDULE "B"**



**Dog Barking Package**

**Animal Control Services**

File Number: \_\_\_\_\_

## DOG BARKING

### Official Complaint Form

Full Name

You have filed an official complaint against a resident and have chosen the option of filling out this barking package with the anticipation of Summer Village of Kapasiwin issuing a summons to the dog owner or caregiver on your behalf. There are a few important things to note when you fill this package out. Please take a few moments to review this package prior to starting.

Please follow all steps when filling out this package. Provide exact information consecutively for 5-7 days, each time the dog(s) is barking. For example, each entry must have the date, start and stop time, location of animal, and conditions surrounding the animal. Please note that generic answers on this package such as "Barking all day" or "Dog lives down the road" are not acceptable, and will be considered incomplete.

You may use additional paper if necessary and attach to the package. Completed packages may be returned to Animal Control Services for review as soon as they are completed. Incomplete packages will not be considered for review.

Please note that there is no guarantee that a summons will be issued once this package is returned to the Summer Village of Kapasiwin. The decision to issue a summons for barking is ultimately made by the Summer Village of Kapasiwin.

If you have any questions regarding this package please contact me at any time during regular working hours.

\_\_\_\_\_  
Animal Control Officer, Summer Village of Kapasiwin

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SCHEDULE "B"**



**Dog Barking Package**  
Animal Control Services

## STEP ONE

### COMPLAINANT INFORMATION

First name:	Last name:
Address:	
Phone number:	Cellular number:

### DOG OWNER INFORMATION (IF KNOWN)

First name:	Last name:
Address:	
Phone number:	Cellular number:

### OTHER INFORMATION

Initial \_\_\_\_\_

Site 1, Box 157, RR 1, Onoway, AB T0E 1V0  
Village Office: 780-914-0997 • Animal Control: 780-916-5043 • Email: [emily@milestonemunicipalservices.ca](mailto:emily@milestonemunicipalservices.ca) • [www.kapasiwinalberta.com](http://www.kapasiwinalberta.com)

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**Dog Barking Package**  
Animal Control Services

## STEP TWO

### QUESTIONNAIRE

1. Exact description of dog(s) creating the disturbance and any other dog(s) on the property.

*Name, colour, breed, age, and sex if known. Please include pictures if possible.*

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2. Where is (are) the dog(s) located on the property?

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3. How does the barking affect you?

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4. How did you determine which dog(s) is barking?

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**Dog Barking Package**  
**Animal Control Services**

5. What steps have you taken to remedy this situation with the dog owner(s)?

6. Are you prepared to testify on behalf of this statement in a Court of Law?

*No action will be taken if the complainant is not willing to testify on behalf of this barking package in a Court of Law.*

7. Additional comments

Initial \_\_\_\_\_



