

Summer Village of Larkspur

A BYLAW OF THE SUMMER VILLAGE OF LARKSPUR, IN THE PROVINCE OF ALBERTA, IN RELATION TO THE ESTABLISHMENT OF MATTERS RELATED TO ANIMAL CONTROL

Bylaw Name:	Animal Control Bylaw		
Bylaw number	24-01	Date Approved:	January 16, 2024
Reviewed By:		Date Reviewed:	

WHEREAS under the Authority of the *Municipal Government Act RSA 2000 Chapter M-26*, section 7 (h) authorizes Council to pass bylaws respecting domestic animals and activities in relation to them; and

WHEREAS, the Council of the Summer Village of Larkspur deems it in the best interests of animal owners and the public in general for the Summer Village to regulate control of animals within its boundaries:

NOW THEREFORE, Council of the Summer Village of Larkspur Council duly assembled, hereby enacts as follows:

1. DEFINITIONS

- 1.1. **“Animal”** shall mean any domesticated animal, including but not limited to cattle, horses, fowl, sheep or goats.
- 1.2. **“At large”** shall mean off the premises of the owner and not under the immediate, continuous and effective control of a competent person.
- 1.3. **“Dog”** shall mean a male or female of the species over the age of three months and shall include bitch, spayed bitch, male or neutered male.
- 1.4. **“Animal Control Officer”** shall mean any person appointed by the Summer Village to carry out the provisions of this By-law.
- 1.5. **“Owner”** shall mean and include any person owning, possessing, having charge of or control over or harboring any animal or dog or suffering or permitting any animal or dog to remain about his house or premises.
- 1.6. **“Run at large”** shall mean an animal that is at any place other than the property of the owner or the property of the harbored 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.
- 1.7. **“Summer Village”** means the Council of the Summer Village of Larkspur in the Province of Alberta.
- 1.8. **“Vicious dog”** means:
 - 1.8.1. any individual dog that when unprovoked inflicts bites or attacks a human being or other domestic animal either on public or private property;

- 1.8.2. any individual dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals;
- 1.8.3. any individual dog which attacks a human being or domestic animal without provocation;
- 1.8.4. any individual dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting;
- 1.8.5. any individual dog which has been found to be a “dangerous dog” upon 3 separate occasions;
- 1.8.6. a dog is not to be considered “vicious” if the following conditions exists:
 - 1.8.6.1. if the dog is on the owner’s property;
 - 1.8.6.2. warning signs are posted indicating the presence of a dog
 - 1.8.6.3. if the dog has been tormented or abused and the resulting action by the dog is to harm or menace a person who is committing the torment or abuse;
 - 1.8.6.4. if the dog is a professionally trained dog for law enforcement or guard duties.

1.9. “Dangerous dog” shall mean any individual dog which when either unmuzzled, unleashed or unattended by its owner, or a member of its owner’s family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, or any public ground or places.

2. REGULATIONS

- 2.1** No animals, other than cats, dogs and other small pets may be harbored on any property within the Summer Village boundaries.
- 2.2** No person or owner shall harbour more than two small pets of one kind of whatever sex and aged six (6) months or more at one and the same time in any house, shelter, room or place within the Summer Village unless a Development Permit for operating a kennel has been sought and obtained from the Summer Village.
- 2.3** No person or owner shall permit any dog to run at large within the boundaries of the Summer Village, with the exception of any area marked as an “Off Leash” area by an Official Municipal Sign.
- 2.4** No person shall remove or attempt to remove any animal or small pet, including a dog from the possession of the Animal Control Officer or the Animal Holding Facility prior to having paid the outstanding fines and fees.
- 2.5** No person, whether he or she is the owner of a dog or small pet which is being pursued by the Animal Control Officer, shall:
 - 2.5.1 Interfere with or attempt to obstruct an Animal Control Officer from enforcing the provisions of this By-law;

- 2.5.2 induce any dog, small pet or animal to enter a house or place where it may be safe from capture or otherwise assist the dog, small pet, or animal to escape capture;
 - 2.5.3 falsely represent himself as being in control of a dog, to establish that the dog is not running at large;
 - 2.5.4 unlatch or open the vehicle in which dogs captured for impounding have been placed, to allow dogs to escape therefrom
- 2.6** It shall be the duty of the occupant of any house or premises in or about which any female animal is kept or allowed to remain, to keep such animal housed and confined during the whole period during which the female is in heat.
- 2.7** No person shall allow any dog to howl or bark for more than 3 hours to consider that the barking is excessive or in a manner or to disturb the quiet of any person at a rating of more than 80 decibels for a sustained period of more than 2 hours.
- 2.8** No dog shall 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 shall cause such defecation to be removed immediately.

3. DETERMINING AN ANIMAL TO BE VICIOUS

- 3.1.** The Owner of a Dog, which the Owner has reason to believe to be a Vicious Dog, shall keep such Dog in accordance with the provisions of Section III (3) of this Bylaw
- 3.2.** If an R.C.M.P Officer, or a Peace Officer, Special Constable or Bylaw Enforcement Officer, appointed by the Council, determines that a Dog is a Vicious Dog, either through personal observation or after an investigation initiated by a complaint, he or she may, in writing:
- 3.2.1. inform the Owner that his Dog has been determined to be a Vicious Dog, and
 - 3.2.2. require the Owner to keep such Dog in Accordance with the Provisions of Section III (3) of this Bylaw, and
 - 3.2.3. inform the Owner that if the Vicious Dog is not kept in accordance with Section III (3) of this Bylaw, the Owner will be fined, or subject to enforcement action pursuant to Schedule "B" of this bylaw.
 - 3.2.4. inform the owner that it appears to the justice that the dog ought to be destroyed, the justice shall direct a peace officer to destroy it.
- 3.3.** The Owner of a Dog determined to be A Vicious Dog under Section III of this Bylaw shall take the following precautions:
- 3.3.1. at all times while a Vicious Dog is on the premises of its Owner, the Owner shall either keep such Dog confined indoors, or confined in a securely enclosed and locked pen, or other structure,

constructed to prevent the escape of the Vicious Dog, and capable of preventing the entry of young children;

- 3.3.2. such pen shall have secure sides and a secure top, and if it has no bottom secured to the sides, the sides must be embedded in the ground to a minimum depth of one (1) foot;
- 3.3.3. when any Vicious Dog is off the premises of the owner, the owner shall securely muzzle the Dog and ensure the Dog is restrained by a permitted leash which shall effectively prevent it from attacking or biting a person or other animals;
- 3.3.4. the Owner of a Vicious Dog shall take all necessary steps to ensure that such Dog does not bite, chase or attack any person or other animal, whether the person or animal is on the property of the Owner or not. On second offence, the vicious dog will no longer be permitted within the summer village boundaries;
- 3.3.5. the Owner of a Vicious Dog shall not permit such Dog to run at large;

4. TICKETS/FINES

- 4.1. An animal control ticket issued to any person contravening any provision of this By-law shall be deemed to be sufficiently served if:
 - 4.1.1. served personally on the owner of the animal; or
 - 4.1.2. mailed by registered mail to the address of the owner as recorded on the Summer Village tax roll; or
 - 4.1.3. left at the residence of the accused in care of a person who appears to be at least 16 years of age
- 4.2. Fines levied for contravention of the By-law are listed in schedule "A" of this By-law.

5. There are no previous animal control bylaws to rescind.

This Bylaw comes into effect upon the date of the final reading thereof.

Read a first time this 21st day of November, 2023

Read a second time this 16th day of January, 2024

Read a third time and finally passed this 16th day of January, 2024

Mayor

Administrator

BY-LAW 24-01

SCHEDULE "A"

FINES

Fines shall be as follows: Should these be under one schedule of Fees and Penalties in one bylaw.

<u>I.</u>	<u>Infraction</u>	<u>Section</u>	<u>1st Offence</u>	<u>2nd Offence</u>
1.	Harbouring prohibited animals	(2.1)	\$75.00	\$125.00
2.	Having in excess of two pets of the same kind	(2.2)	\$75.00	\$125.00
3.	Running at large	(2.3)	\$75.00	\$125.00
4.	Removing from custody	(2.4)	\$150.00	\$300.00
5.	Interfering with capture	(2.5)	\$150.00	\$300.00
6.	Not confining bitch in heat	(2.6)	\$100.00	\$150.00
7.	Barking or howling	(2.7)	\$75.00	\$125.00
8.	Failure to remove defecation	(2.8)	\$75.00	\$75.00

II. If an animal control ticket issued to an owner as a result of an infraction of this By-law 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. Court costs will be levied in addition to fines.

III. Any person who contravenes any of the provisions of the By-law shall be liable upon summary conviction to a penalty not to exceed \$1000.00 plus costs, or in default of payment, to imprisonment for a period not to exceed 30 days.

BY-LAW 24-01

SCHEDULE "B"

FINES

		1st Offense	2nd Offense
Section 3.3.1	Failure to confine a Vicious Dog	\$250.00	\$500.00
Section 3.3.3	Failure to muzzle or otherwise secure a Vicious Dog when off the premises	\$250.00	\$500.00
Section 3.3.5	Permitting a Vicious Dog to run at large	\$250.00	\$500.00

Any Owner who commits three or more offences listed in this Section will be issued a compulsory court notice, and upon conviction will be subject to a fine of not more than \$2,500.00 and not less than \$500.00 and the dog will be destroyed.

Section 3.3.4	If a Vicious Dog bites or attacked a person or animal causing injury	\$500.00	\$1,000.00*
---------------	--	----------	-------------

*On second offence, the vicious dog owner will be fined \$1,000.00 and the vicious dog must be permanently removed from the Summer Village.