

SUMMER VILLAGE OF ROCHON SANDS
BYLAW NUMBER 213 12

BYLAW NUMBER 213 12 OF THE VILLAGE OF ROCHON SANDS IN THE PROVINCE OF ALBERTA, BEING A BYLAW TO REPEAL BYLAW No. 193 07, AND BEING REPLACED BY THIS BYLAW TO REGULATE, RESTRAIN THE RUNNING AT LARGE, AND IMPOUNDING OF DOGS.

WHEREAS, THE MUNICIPAL GOVERNMENT ACT, R.S.A. 2000, c. M-26 AS AMENDED AND THE PROVINCIAL OFFENCES PROCEDURE ACT, R.S.A. 2000, c. P-34 AS AMENDED, ENABLES A COUNCIL OF THE VILLAGE TO PASS BYLAWS RESPECTING WILD AND DOMESTIC ANIMALS, AND ACTIVITIES IN RELATION TO THEM;

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE VILLAGE OF ROCHON SANDS, IN THE PROVINCE OF ALBERTA ENACTS A BYLAW REFERRED TO AS THE "DOG CONTROL BYLAW."

DEFINITIONS – Part 1

1. "RUN AT LARGE means any dog off the premises of the owner and not on a leash held by a person able to control the dog.
2. "CONTRACTOR" means a person under contract by the Village to maintain and administer a pound facility or animal shelter for dogs.
3. "BYLAW ENFORCEMENT OFFICER" means an employee or contractor appointed by the Village to enforce the provision of the Village Bylaws, and includes a member of the Royal Canadian Mounted Police, and when authorized a Special Constable. A Bylaw Enforcement Officer is a Designated Officer for the purposes of s. 542 of the Municipal Government Act.
4. "DOG" means either male or female of the canidae family;
5. "OWNER" – includes any person, partnership, association or corporation:
 - (a) Owning, possessing, having charge of, or control over any dog;
 - (b) Harboring any dog;
 - (c) Suffering or permitting any dog to remain about his or her premises;
 - (d) Any person to whom a license has been issued under this Bylaw or by any municipality.Every person defined as an owner herein is responsible for the dog.
6. "LEASH" means a restraint that is less than two (2) meters in length and made of material capable of restraining the dog on which it is being used.
7. "PERSON" includes a partnership, association, or corporation.
8. "POSSESSION" means:
 - (a) Exercising physical or effective control of a Dog;
 - (b) Having been given physical or effective control of a Dog by it's Owner for the purpose of controlling the Dog for a specific period of time;
 - (c) Where one or more persons with the knowledge and consent of the others, has physical or effective control of a Dog, it may be deemed to be in the control of all of them.
9. "PRIVATE PROPERTY" means all property within the Village other than property constituting Public Property.

10. "PUBLIC PROPERTY" means property owned by or under the control and management of the Government of Canada, Government of Alberta, or the Village, contained within the boundaries of the Village.
11. "VILLAGE" means the Village of Rochon Sands, in the Province of Alberta;
12. "VIOLATION TICKET" means a ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34, as amended, and any regulations thereunder.
13. "VIOLATION TAG" means a written notice, in a form approved by the Chief Administrative Office, issued by a Bylaw Enforcement Officer, to advise a Person that a violation of this Bylaw has occurred and that, by payment of a specified amount to the Village Office within a set time period, that Person will avoid prosecution for the offence.
14. "NUISANCE" – means creating noise, dust, smell or be a bother to/or danger to other residents.

OFFENCES AND RESPONSIBILITY OF OWNER – PART 2

1. The Summer Village of Rochon Sands requires dogs to be on a leash at all times except:
 - (i) at a posted off leash site for dogs
 - (ii) on or in the lake, (excepting public beaches)
 - (iii) upon leaving the off leash area or the lake, the dog must be put back on the leash.
2. The Owner of a Dog is guilty of an offence if such Dog:
 - (a) runs At Large;
 - (b) is a Dog in heat and is not confined and housed in the residence of the Owner or in a licensed kennel during the whole of the heat period except for the sole purpose of defecating on the premises of the Owner;
 - (c) defecates on any Public or Private Property other than the property of it's Owner and the Owner or Person in control of the Dog fails to immediately remove such defecation. This provision shall not apply to a registered guide Dog while it is assisting a blind person;
 - (d) is within a site containing playground apparatus and/or sand play area located on Public or Private Property other than the property of it's Owner;
 - (e) barks or howls so as in the opinion of the Bylaw Enforcement Officer based on information gathered to cause an unreasonable disturbance given, but not limited to, location, circumstances, time of day, and duration;
 - (f) damages public or private property;
 - (g) chases any person, animal, bicycle, or motor vehicle;
 - (h) bites any person or animal;
 - (i) attacks or injures any person or animal
3. The Owner of a dog is guilty of an offence if they:
 - (a) fail to provide identification (Name, Address, Date of birth and Dog Tag number and proof thereof to a Bylaw Enforcement Officer;
 - (b) provide false or misleading information to a Bylaw Enforcement Officer.
4. The owner of a dog is guilty of an offence if they allow any fecal matter to remain on their property or to accumulate to such an extent as to, in the opinion of a Bylaw Enforcement Officer, constitute a nuisance by way of odor, unsightliness, or detrimental impact on the use, enjoyment, or value of nearby properties.
5. No person shall keep dogs on his or her property in such numbers (maximum of 2) as may cause a nuisance by creating noise, dust, smell or be a bother to/or danger to other residents in the area where such dogs are kept. The Animal Control Officer, shall, on prior written notice to the property owner and the actual dog owner (if known) recommend to the Summer Village of Rochon Sands that sufficient dog(s) be removed within a reasonable time in order to abate the nuisance or danger to any persons, general public, or other animals including the dogs themselves unless:

- (a) the premises are lawfully used for the care and treatment of Dogs operated by and under the charge of a registered veterinarian;
 - (b) the Owner is the holder of a valid and subsisting development permit to operate a kennel, animal hospital, shelter, pound, or other animal operation as authorized by the Land Use Bylaws;
 - (c) the Dogs in excess of the limit are under six weeks of age and the offspring of a Dog residing at the same location.
6. The owner of a dog shall be encouraged to, on a yearly basis, register his dog with the Town or City of which is declared their permanent residence, or the Town of Stettler and obtain a dog tag for identification purposes. This makes the return of the animal to the registered owner a simpler process.

RESPONSIBILITIES OF VILLAGE ADMINISTRATION – Part 3

1. The Village of Rochon Sands shall arrange for a Pound to be established for the keeping and impounding of Dogs and may do so by entering into an Agreement with a Contractor. A Contractor of any such Pound may make rules and regulations, provided they are not inconsistent with this Bylaw, pertaining to the administration of such pound.
2. The Bylaw Enforcement Officer may seize and impound any Dog found At Large.
3. In the active pursuit of any Dog while that Dog is At Large, any Bylaw Enforcement Officer empowered to apprehend Dogs under this Part is hereby authorized to enter upon any lands surrounding any building at all reasonable times.
4. No person, whether or not he is the Owner of a Dog which is being or has been pursued or captured shall:
 - (a) Interfere with or attempt to obstruct a Bylaw Enforcement Officer who was attempting to capture or who has captured any Dog in accordance with the provisions of this Bylaw;
 - (b) Unlock or unlatch or otherwise open the van or vehicle in which Dogs captured for impoundment have been placed, so as to allow or attempt to allow any Dog to escape therefrom;
 - (c) Remove or attempt to remove any Dog from the possession of the Bylaw Enforcement Officer;

RELEASE OF IMPOUNDED DOGS – Part 4

1. The Contractor shall keep all impounded Dogs for a period of no less than three (3) days, including the day of impounding. Sundays and Statutory holidays shall not be included in the computation of the three (3) day period. During this period any healthy Dog may be redeemed by its Owner, upon payment to the Contractor of:
 - (a) Kennel boarding fees as per contract rate for every twenty-four (24) hour period or fraction thereof;
2. At the expiration of the three (3) day period any Dog not redeemed may be destroyed or sold.
3. The Bylaw Enforcement Officer or Contractor shall report any apparent illness, communicable disease, injury, or unhealthy condition of any Dog to a veterinarian and act upon his recommendation. The Owner, if known, shall be held responsible for all expenses so incurred.

PENALTIES – Part 5

1. Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a penalty as set out in Schedule “A” herein.
2. Notwithstanding Section 1 of this Part of this Bylaw, any Person who commits a second or subsequent offence under this Bylaw within twelve (12) months of committing a first offence under this Bylaw, may be liable to an increased fine as set out in Schedule “A”.

3. A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any Person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw;
4. A Violation Tag may be issued to such Person:
 - (i) either personally;
 - (ii) by mailing a copy to such Person at his last known post office address; or
 - (iii) upon retrieval of such Person's Dog from the Village's Pound;
5. The Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:
 - (i) the name of the Owner;
 - (ii) the offence;
 - (iii) the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
 - (iv) that the penalty shall be paid within twenty-two (22) days of the issuance of the Violation Tag to avoid possible prosecution; and
 - (v) any other information as may be required by the Chief Administrative Officer.
6. Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay the Village the penalty specified on the Violation Tag;
7. Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Ticket.
8. The Bylaw Enforcement Officer may enforce the provisions of this Bylaw, and where a Bylaw Enforcement Officer has reasonable grounds to believe that a provision of this bylaw has been contravened, the Bylaw Enforcement Officer is authorized and empowered to immediately issue a Violation Ticket pursuant to Part 2 of the Provincial Offences Procedures Act, R.S.A. 2000, c. p-34, as amended, to any Person who the Bylaw Enforcement Officer has reasonable grounds to believe is responsible for the contravention.
9. Where a Violation Ticket has been issued to a Person pursuant to this Bylaw, that Person may plead guilty to the offence by submitting to a Clerk of the Provincial Court the specified penalty set out in the Violation Ticket at any time prior to the appearance indicated on the Violation Ticket.
10. The Violation Ticket shall be served upon the Person who is believed to be responsible for the contravention under the Bylaw in accordance with the provisions of the Provincial Offences Procedures Act, R.S.A. 2000, c. P-34, as amended.
11. Should any Person be guilty of an offence for which no penalty is specified then such Person shall be liable upon summary conviction to a fine of not more than ten thousand dollars (\$10,000.00) and not less than five hundred dollars (\$500.00).

SEVERABILITY OF BYLAW PROVISIONS – Part 6

1. It is the intention of Village Council that each separate provision of this Bylaw shall be deemed independent of all provisions, and it is further the intention of Village Council that if any provisions of this Bylaw be declared invalid, all other provisions shall remain valid and enforceable.

REPEAL

Bylaws are hereby repealed by passage of this Bylaw.

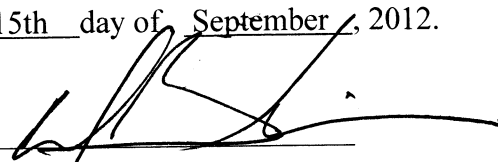
COMMENCEMENT OF ENFORCEMENT

Read a first time in Open Council this 15th day of September, 2012.

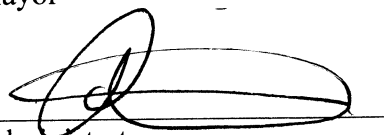
Read a second time in Open Council this 15th day of September, 2012.

Read a third time in Open Council and finally passed this 15th day of September, 2012.

This Bylaw shall come into full force and effect on the 15th day of September, 2012.



Mayor



Administrator

SCHEDULE "A"
PENALTIES

	INFRACTION	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE
PART 2				
Section 2(a)	Dog runs at large	\$80.00	\$200.00	\$300.00
Section 2(b)	Fail to confine dog in heat	\$100.00	\$200.00	\$300.00
Section 2(c)	Fail to immediately remove dog's defecation	\$100.00	\$200.00	\$300.00
Section 2(d)	Dog in playground or sand area	\$80.00	\$200.00	\$300.00
Section 2(e)	Dog barks or howls so as to disturb any person	\$100.00	\$200.00	\$300.00
Section 2(f)	Dog damages public or private property	\$150.00	\$300.00	Court
Section 2(g)	Dog chases any person, animal, bicycle, or motor vehicle	\$200.00	\$400.00	Court
Section 2(h)	Dog bites any person or animal	Court	Court	Court
Section 2(i)	Dog attacks or injures any person or animal	Court	Court	Court
Section 3(a)	Fail to provide identification	\$200.00	\$400.00	Court
Section 3(b)	Providing false or misleading information	\$200.00	\$400.00	Court
Section 4	Allow dog's fecal matter to accumulate on property	\$100.00	\$200.00	\$300.00
Section 5	Harboring, suffering, or permitting more than two dogs at a residence.	\$100.00	\$200.00	\$300.00
PART 3				
Section 4(a)	Interfering with a Bylaw Enforcement Officer	\$200.00	\$400.00	Court
Section 4(b)	Unlocking or unlatching a vehicle with an impounded dog	\$200.00	\$400.00	Court
Section 4(c)	Removing or attempting to remove a dog from the possession of a Bylaw Enforcement Officer	\$200.00	\$400.00	Court