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## A BYLAW OF THE SUMMER VILLAGE OF SILVER BEACH IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING AND CONTROLLING ANIMALS

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**WHEREAS,** The Municipal Government Act, R.S.A. 2000, Chapter M-26 and amendments thereto, provides that the Council of a Municipality may pass Bylaws for municipal purposes respecting the safety, health and welfare of people and animals, and the protection of people and property;

**AND WHEREAS,** the Council of the Summer Village of Silver Beach deems it advisable to enact such a Bylaw, in order to regulate the control of animals and activities in relation to them and to control nuisances in the Summer Village of Silver Beach;

**NOW THEREFORE** the Council, duly assembled, enacts as follows:

### 1. SHORT TITLE

- 1.1. This Bylaw shall be known as the "Animal Control Bylaw".

### 2. DEFINITIONS

- 2.1 Definitions used in this Bylaw, if not defined in this Bylaw, shall have the same meanings attributed to those definitions in the MGA.
- 2.2 In this Bylaw:
- a) **"Bylaw Enforcement Officer"** means:
    - (i) a person who is an employee of the Summer Village or a third party who has been appointed to carry out the duties of enforcing its Bylaws,
    - (ii) a person who is a community peace officer as defined under the *Peace Officer Act*, Statutes of Alberta 2006 Chapter P-3.5, or
    - (iii) a person who is a member of the Royal Canadian Mounted Police;
  - b) **"CAO"** means the Chief Administrative Officer for the Summer Village;
  - c) **"Council"** means the Council of the Summer Village;
  - d) **"Dog"** means any domesticated dog other than a Nuisance Dog or Restricted Dog;
  - e) **"Animal"** means any animal which, in its adult form, regularly weighs more than 10 kilograms, excluding human beings, Dogs, Nuisance Dogs, Restricted Dogs, and domestic cats;



- f) **"Livestock"** means live domestic animals including cattle, pigs, horses and domestic fowl including ducks, turkey, geese, hens, pigeons and chickens;
- g) **"MGA"** means the *Municipal Government Act, Revised Statutes of Alberta, 2000 Chapter M-26*;
- h) **"Municipal Tag"** means a ticket issued by the Summer Village pursuant to the MGA for breach of its Bylaws;
- i) **"Nuisance Dog"** means any dog that has been the subject of three or more convictions within the previous three years for any of, or any combination of, the offences under section 4.1(a) of this Bylaw;
- j) **"Off Leash Area"** means an area (if any) designated by the Summer Village CAO from time to time as an area where a Dog or Nuisance Dog is permitted but not required to be held by a leash;
- k) **"Owner"** means any person (i) named on an owner's tag, or (ii) in actual or apparent control of property where an animal apparently resides;
- l) **"Person"** means an individual and includes a partnership, corporation, trustee, executor, joint venture, proprietorship, association, society and any other legal entity;
- m) **"POPA"** means the *Provincial Offences Procedure Act, Revised Statutes of Alberta, 2000 Chapter P-34*;
- n) **"Restricted Dog"** means any dog (i) that has chased, attacked or bitten any person or animal causing physical injury and resulting in a conviction under this Bylaw, (ii) that has chased, attacked or bitten any person or animal on more than one occasion, with or without causing physical injury, and resulting in separate offences under this Bylaw, or (iii) that has been made the subject of an order under the Dangerous Dogs Act (Alberta);
- o) **"Right of Access"** means the right of a Bylaw Enforcement Officer or an designated officer, to enter onto a property to inspect the property, in accordance with Section 542 of the MGA, and determine if there are conditions that may contravene or fail to comply with the provisions of this Bylaw;
- p) **"Summer Village"** means the Summer Village of Silver Beach; and
- q) **"Violation Ticket"** means a ticket issued pursuant to Part 2 or Part 3 of the POPA.



### **3. GENERAL**

- 3.1 No person shall keep or have on any property within the corporate limits of the Summer Village any one or more Animal or the young thereof, Livestock, bees, or poisonous snakes, reptiles or insects.

### **4. REGULATIONS APPLYING TO ALL DOGS, NUISANCE DOGS AND RESTRICTED DOGS**

- 4.1. With respect to excessive barking or howling:

(a) The Owner or any other person having care or control of a Dog, Nuisance Dog or Restricted Dog shall ensure that it does not bark or howl in a manner that is reasonably likely to annoy or disturb the peace of others on the properties immediately adjacent to the property where the Dog, Nuisance Dog, or Restricted Dog resides.

(b) In determining whether barking or howling is reasonably likely to annoy or disturb the peace of others, consideration may be given, but is not limited, to the (i) duration of the barking or howling, (ii) time of day and day of the week, (iii) nature and use of the surrounding area, and (iv) any effect of the barking or howling.

- 4.2 With respect to defecation:

(a) The Owner or any other person having care or control of a Dog, Nuisance Dog or Restricted Dog shall forthwith remove any defecation left by it on public property or private property other than property of the Owner.

(b) The Owner or any other person having care or control of a Dog, Nuisance Dog or Restricted Dog shall ensure that defecation apparently left by it on the property of the Owner does not accumulate to such an extent that it is reasonably likely to annoy or pose a health risk to others.

- 4.3 The Owner or any other person having care or control of a Dog, Nuisance Dog or Restricted Dog that is infected with rabies or any other infectious disease shall ensure that it remains on the Owner's property (i) muzzled, (ii) held on a leash not exceeding two metres in length, and (iii) under control.

- 4.4 The Owner or any other person having care and control of a Dog, Nuisance Dog, or Restricted Dog shall ensure that it does not (i) damage property of others, (ii) chase, attack, or cause physical injury to any person or other animal, or (iii) interference with garbage receptacles.

- 4.5 Section 4.4 does not apply if the chase or attack was a direct result of the Dog, Nuisance Dog or Restricted Dog being provoked.



## **5. REGULATIONS APPLYING TO DOGS and NUISANCE DOGS**

- 5.1 The Owner or any other person having care or control of a Dog or Nuisance Dog shall, at all times, when it is off the property of the Owner, have it (i) under control, and (ii) held on a leash not exceeding two metres in length.
- 5.2 When a Dog or Nuisance Dog is within an Off Leash Area, the Dog or Nuisance Dog need not be held on a leash; however, the Owner or any other person having care or control of the Dog or Nuisance Dog shall carry with them a leash for the Dog or Nuisance Dog not exceeding two metres in length.

## **6. REGULATIONS APPLYING TO RESTRICTED DOGS**

- 6.1 The Owner or any other person having care or control of the Restricted Dog shall, at all times keep it indoors on the property of the Owner or when it is outdoors (i) a fully enclosed and secure pen, or (ii) muzzled and secured by a chain affixed securely to the property that prevents the Restricted Dog from coming closer than two metres of the apparent boundary of the property.
- 6.2 The Owner of a Restricted Dog shall have liability insurance specifically covering any damages for personal injury caused by the Restricted Dog in an amount of not less than fifty thousand dollars (or such other amount as may be specified by the Summer Village CAO from time to time) and shall provide proof of such insurance to the Summer Village CAO upon request.

## **7. OTHER REGULATIONS**

- 7.1 No person shall keep or have more than three Dogs, Nuisance Dogs or Restricted Dogs, or any combination thereof, on any property within the Summer Village.
- 7.2 No person shall provide false or misleading information to a Bylaw Enforcement Officer or the Summer Village CAO.
- 7.3 No person shall interfere with a Bylaw Enforcement Officer or the Summer Village CAO in the exercise of their powers and duties pursuant to this Bylaw.

## **8. PENALTIES**

- 8.1 A Person who contravenes any provision of this Bylaw is guilty of an offence pursuant to this Bylaw.



- 8.2 A Bylaw Enforcement Officer is hereby authorized to have the Right of Access to enter any property for the inspection of conditions that may contravene or fail to comply with the provisions of this Bylaw.
- 8.3 With respect to an offence under this Bylaw, a Bylaw Enforcement Officer may issue a Municipal Tag or a Violation Ticket specifying the amount of the fine established in accordance with section 8.5.
- 8.4 If a Municipal Tag or Violation Ticket has been issued and the contravention of this Bylaw continues or resumes later that same day, that continued or resumed contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a Person guilty of such an offence is liable to a fine in an amount not less than the amount established in accordance with section 8.5.
- 8.5 Any Person who is guilty of an offence under this Bylaw is liable for a fine not less than:
- a) \$100 for a first offence under this Bylaw; and
  - b) \$250 for a second offence under this Bylaw; and
  - c) \$500 for a third offence under this Bylaw; and
  - d) \$1,000 for each offence after the third offence under this Bylaw.
- 8.6 When a Municipal Tag is issued, the amount of the fine indicated therein may be paid in accordance with the Municipal Tag in lieu of prosecution.
- 8.7 When a Violation Ticket is issued with a specified penalty, the amount of the fine indicated therein may be paid in accordance with the Violation Ticket in lieu of prosecution.
- 8.8 Nothing in this Bylaw shall preclude a Bylaw Enforcement Officer from issuing a Violation Ticket for a mandatory court appearance to any Person who contravenes any provision of this Bylaw.
- 8.9 Nothing in this Bylaw shall preclude a Bylaw Enforcement Officer from laying charges under any alternate governing legislation.
- 8.10 A Bylaw Enforcement Officer may seize or impound (a) any Dog, Nuisance Dog or Restricted Dog alleged to have seriously injured or killed a person or animal; (b) any Dog or Nuisance Dog found in contravention of section 4.1(a) or 5.1 and any Restricted Dog found in contravention of section 6.1.



- 8.11 Before seizing and impounding a Dog, Nuisance Dog or Restricted Dog pursuant to section 8.10, the Bylaw Enforcement Officer must consider whether it was acting in self-defense or while in the course of attempting to prevent a person from committing an unlawful act.
- 8.12 A Dog, Nuisance Dog or Restricted Dog seized pursuant to section 8.10 may not be impounded for more than 21 days unless court proceedings for a destruction or other order with respect to it are commenced within that time.
- 8.13 The Owner of any Dog, Nuisance Dog or Restricted Dog seized or impounded pursuant to this Bylaw is liable for the payment of (a) the fine amount applicable to the offence giving rise to the seizure or impoundment, and (b) any fees or costs charged or incurred with respect to the shelter, care and treatment of it, whether or not the Owner retakes possession of it.

## 9. SEVERABILITY

- 9.1 Each provision of this Bylaw is independent of, and severable from, all other provisions and if any provision is declared invalid or unenforceable for any reason by a court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.

## 10. REPEAL

- 10.1 Bylaw No. 77, A Bylaw of the Summer Village of Silver Beach to Prohibit the Keeping of Maintaining of Any Animals, Poultry or Fowl within the Confines of the Village, is hereby repealed.

## 11. COMING INTO FORCE

- 11.1 This Bylaw shall come into full force and effect upon final passing.

**READ** a first time this 14<sup>th</sup> day of April, 2025.

**READ** a second time this 14<sup>th</sup> day of April, 2025.

**READ** a third and final time this 20<sup>th</sup> day of May, 2025.

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David Rolf, Mayor  
Summer Village of Silver Beach

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June Boyda, Chief Administrative Officer  
Summer Village of Silver Beach