

BYLAW 2013-05

A BYLAW TO PROVIDE FOR THE CONTROL OF DOGS AND CATS AND LICENCING OF DOGS

The Council for the Village of Bethune, In the Province of Saskatchewan

Enacts as Follows:

1. This Bylaw shall be referred to and cited as the Animal Control Bylaw.

2. DEFINITIONS

Administrator means the Administrator for the Village of Bethune, or any person authorized to act on his/her behalf;

Aggressive Dog means:

- (i) any dog that, without provocation, in a vicious or menacing manner, chases or approaches a person or domestic animal in an apparent attitude of attack;
- (ii) a Dog with a known propensity, tendency or disposition to attack without provocation, cause injury or otherwise threaten the safety of humans or Domestic Animals;
- (iii) a Dog which has, without provocation, bitten, inflicted injury, assaulted, pursued or otherwise attacked a human or Domestic Animal;
- (iv) a Dog which is owned primarily or in part for the purpose of Dog fighting or has been or is being trained for Dog fighting;

Animal Control Officer means a person appointed by the Council from time to time for the purpose of enforcing this Bylaw, and includes an Animal Control Officer, Bylaw Enforcement Officer and Peace Officer of the R.C.M.P.;

At large means, in reference to a Domestic Animal other than a spayed or neutered Cat, that the animal is not in or upon the premises of its Owner and is not under the care and control of its Owner, and, in the case of Dogs, that the Dog is not secured on a leash to its Owner while off the property of its Owner;

Cat means any animal of the species felis domesticus irrespective of sex or age;

Council means the Council of the Village of Bethune;

Dangerous Dog means a Dangerous Dog as defined in Division 5 of the Municipalities Act;

Diseased Animal means any domestic animal indicating symptoms of distemper, parvovirus, rabies or other contagious disease that can be spread to human or animal populations;

Dog means any animal of the species canis familiaris irrespective of sex or age;

Dog Owner means any person who owns or has in his or her possession a Dog, or any person harbouring or allowing a Dog to remain about his or her house or premises;

Domestic Animal means any animal tamed and kept as a domestic pet, and includes a Dog or Cat but does not include a Farm Animal, Exotic Wildlife and Wildlife as defined in this Bylaw;

Enclosure means a fence or structure at least 1.8 metres in height suitable to confine an Aggressive Dog and prevent the entry of young children;

Exotic Wildlife means a vertebrate animal of any species, excluding fish, that is not native to Saskatchewan but is considered a wild species in its natural habitat area whether raised for domestic ownership or not;

Farm Animal means any cattle, horse, sheep, goat, swine, donkey, mule, or llama; any fowl or poultry; any rabbit, hare, mink, or otter; and includes without limitation any other animal raised for food or for the use of humans;

Kennel means a parcel where four or more Dogs or Cats are kept for purposes of boarding, breeding and/or selling;

Neutered Male Dog means any Dog of the male sex certified by a Veterinarian as unable to reproduce;

Owner means any person who owns or has in his or her possession a Domestic Animal, or any person harbouring or allowing a Domestic Animal to remain about his or her house or premises;

Pound means the premises, including land and buildings where animals impounded or received under this Bylaw are to be kept;

Poundkeeper means the person appointed from time to time under this Bylaw for the purpose of operating the Pound and enforcing and carrying out provisions of this Bylaw related to the impoundment of Dogs, other Domestic Animals, and Farm Animals;

Spayed Female Dog means any Dog of the female sex certified by a Veterinarian as unable to reproduce;

Village means the lands within the municipal boundaries of the Village of Bethune; **Veterinarian** means any certified member of the Canadian Veterinarian Association.

Wildlife means a vertebrate animal of any species, excluding fish, that is wild by nature in Saskatchewan and includes any exotic wildlife found in Saskatchewan.

3. LICENCES

- a) Every person who owns, possesses or harbours a dog within the Village shall cause such dog to be registered with and obtain a licence for it from the Village Administrator and the Village Administrator is hereby authorized to register dogs and record with the registration of the dog the name and address of the owner, and to issue licences in conformity with this Bylaw.
- b) Licence fees shall be payable in advance and shall be:
 - For each male \$ 10.00
 - For each spayed female - \$ 10.00
 - For each unspayed female \$ 30.00
- c) All licences issued under this Bylaw shall expire on December 31st next following the date of issue, and shall be in a form and of a size which can conveniently be attached to a dog collar.
- d) A dog owned by a sightless person and used as a guide, shall be registered and licenced as provided in this Bylaw but without charge.
- e) No person shall register or attempt to register an unspayed female dog as a male or a spayed female dog.

4. WEARING OF TAGS

Every person to whom a licence has been issued under this Bylaw shall cause his dog to wear a collar to which shall be attached the licence tag issued by the Village Office. Upon satisfactory proof that the licence tag originally issued has been lost, the Village Office shall issue a replacement tag for a fee of \$5.00.

5. OWNERSHIP OF ANIMALS & KENNELS

- a) No person shall own, possess, harbour or maintain more than **three (3)** domestic animals and no **more than three (3)** domestic animals shall be permitted to be possessed, harboured or maintained in a residential or commercial building.
- b) Kennels intended for the purposes of breeding, boarding and/or selling of dogs or cats is strictly prohibited.

- c) Except as otherwise specified, no person shall own, harbour or maintain any farm animal, wildlife or exotic wildlife for any purpose within the municipality whether or not a permit has been issued by a Saskatchewan Wildlife Officer.
- d) Ownership and harbouring of Horses shall be permitted in an approved area of the municipality as set by Council.

6. AGGRESSIVE DOGS

- a) No person shall keep or own any diseased domestic animal or Aggressive Dog within the Village unless the diseased animal or Aggressive Dog is kept sufficiently secured so as to prevent it from endangering the safety of any person or other animal.
- b) No Owner of an Aggressive Dog shall permit or allow the Dog to be on any highway or in any public place or any other place that is not owned or controlled by that person, unless the Dog is secured on a leash to its Owner and muzzled to prevent it from biting another animal or a human.
- c) Every Owner of an Aggressive Dog shall, at all times while the Dog is on the premises owned or controlled by such person, keep the Dog securely confined either indoors, or outdoors in an Enclosure that is kept locked at all times except when the Dog is being placed in or taken from the Enclosure.
- d) Every person who owns, keeps, or has custody or control of an Aggressive Dog shall immediately notify an Animal Control Officer, Bylaw Enforcement Officer, the Poundkeeper, or a Peace Officer of the R.C.M.P. when that Dog is at large.
- e) Where an Animal Control Officer, Bylaw Enforcement Officer or peace officer of the R.C.M.P. acting on behalf of the Village receives sufficient evidence that a Dog by its behaviour or temperament qualifies as an Aggressive Dog as defined in this Bylaw, the Animal Control Officer, Bylaw Enforcement Officer or Peace Officer of the R.C.M.P. may issue a corresponding notice of designation to the Owner of the Dog.
- f) Upon receipt of a notice under the preceding section, the Dog Owner shall comply with the provisions of this Bylaw regarding Aggressive Dogs.
- g) An appeal from a designation made under section e) lies to the Council or to a duly authorized subcommittee of the Council whose decision shall be final.

7. RUNNING AT LARGE and CONTROL OF DOGS and CATS

- a) No dog or cat shall run at large in the Village, and for the purpose of this Bylaw, a dog or cat shall be deemed to be running at large when it is beyond the boundaries of the land occupied by the owner, possessor or harbourer of the said dog or cat or beyond the boundaries of any lands where it may be with the permission of the owner or occupant of the said land and when it is not under control by being:
 - i) in direct and continuous charge of a person competent to control it by means of a leash; or
 - ii) securely fastened so that it cannot roam at will; or
 - iii) securely confined within an enclosure.
- b) A person who owns, possesses or harbours a dog or cat found running at large shall be deemed guilty of an infraction of this Bylaw.
- c) Every Owner of a Dog shall keep the Dog from trespassing upon private property whether running at large or held on a leash secured to its Owner.
- d) Where a Dog leaves or deposits any excrement on any public place or private property other than the property of the Owner, the Owner shall immediately take steps to remove such excrement and dispose of it in a sanitary manner.

- e) Every Owner of an unspayed female Dog in heat shall confine the Dog within the Owner's premises, within premises under the Owner's possession and control, or within an Enclosure contained within the Owner's property provided that such property is fenced or secured so as to prevent any Dog from gaining access to the Kennel.

8. SEIZURE OF DOGS, CATS, WILDLIFE, EXOTIC WILDLIFE AND FARM ANIMALS

- a) Except as provided by Section 11 of this bylaw any dog or cat found running at large contrary to the provisions of this Bylaw may be taken by any person to the pound provided by the Village.
- b) Any Animal Control Officer authorized by the Council, is hereby authorized to seize and capture, by the use of a tranquilizer gun or other method authorized by resolution of Council, and impound any dog or cat running at large contrary to the provisions of this Bylaw; or where the owner, possessor, or harbourer thereof has not complied with the provisions of this Bylaw.
- c) Any Wildlife Officer may exercise any authority provided through the Wildlife Act to seize, capture or destroy any wildlife found to be at large or being harboured within the municipality.
- d) Stray farm animals shall be captured and impounded in a manner determined by the Animal Control Officer. All costs associated with a farm animal's capture, impoundment and feed in addition to any penalties associated with it being at large shall be paid prior to the animal being release to its owner.

9. POUND

For the purpose of impounding dogs or cats a pound shall be established at such place or places as may be designated by the Council from time to time.

10. POUNDKEEPER

- a) The Council shall appoint a poundkeeper who shall hold office at pleasure of the Council.
- b) Whenever any dog with a collar and licence tag is impounded, the poundkeeper shall forthwith deliver or cause to be delivered to or at the place of residence as shown by the record maintained by the Village Office of the owner, possessor or harbourer, a notice to the effect that unless the said dog is redeemed and the fees provided in the Bylaw are paid within 3 days from the time of delivery or mailing of the said notice, the said dog shall be sold or destroyed as provided herein.
- c) When any cat, or any dog not wearing the said licence tag as provided in this Bylaw is impounded, the pound-keeper shall immediately post a notice on the bulletin board in the Village Office, giving a description of the dog or cat, the date and hour when it was impounded, and the date and hour when it will be sold or destroyed; such notice shall be posted at least 3 days before the said sale or destruction takes place.
- d) During the period of impounding of any dog or cat, it shall be the duty of the poundkeeper to supply such dog or cat with adequate food, water, and heated shelter.
- e) When the owner, possessor or harbourer of a dog impounded produces, within 3 days of service or posting of the notice as required by subsection (b) and (c) of this Section or before such dog is sold or destroyed, satisfactory evidence that he has complied with the provisions of this Bylaw with respect to the payment of the Licence fee, he shall be entitled to remove such dog upon proof of his eligibility to redeem such dog and upon payment of such impounding fees as are provided for.

- f) The owner, possessor or harbourer of any dog or cat impounded as aforesaid shall pay the poundkeeper in advance of release of the said dog or cat the sum of Fifty (\$50.00) dollars for the impounding of such dog or cat, plus the sum of Ten (\$10.00) dollars per day or part thereof for each day that the dog or cat shall have remained in the said pound.
- g) If a dog or cat impounded is not redeemed within the time prescribed by this section, it may be sold by the poundkeeper provided the purchaser obtains a licence in the case of a dog, if a resident of the Village. Any dog or cat not redeemed within the time prescribed by this section may be destroyed by the poundkeeper or at his request, by any other person.
- h) The poundkeeper shall keep a record of all dogs and cats impounded and the manner in which they are disposed of and shall make a return to the Treasurer on or before the 15th day of each month of all fees paid to him and monies collected by him; and all fees collected shall be turned over to the Treasurer with the return.

11. SURPLUS FROM SALE

Any money turned over to the Treasurer less pound fees and licence fee for the current year, if applicable, shall be paid over to the owner of the dog or cat sold, on satisfactory evidence of ownership being furnished to Council and application thereof being made within twelve months from the date of sale, otherwise the money shall form a part of the general revenue of the Village.

12. DANGEROUS DOGS

The control of dangerous dogs shall be in accordance with Section 5 of the Municipalities Act of the Province of Saskatchewan.

13. RABIES

- a) When a dog or cat has bitten a person and/or is suspected of being rabid animal, the Director and Medical Health Officer and a Veterinarian, of the Health of Animals Branch, Canada Department of Agriculture, shall be notified immediately. Where a Veterinarian of the Health of Animals Branch is not available the report shall be made to the local veterinarian or a Peace Officer of the R.C.M.P.
- b) A medical health officer or licenced veterinarian or Peace Officer of the R.C.M.P. having cognizance that a dog or cat is dangerous or might have been exposed to rabies may order that: The person owning, harbouring or having in his possession such dog or cat whether vaccinated or not against rabies, shall keep it under confinement at a place acceptable to the veterinarian of the Health of Animals Branch, Canada Department of Agriculture for a period of at least two weeks or until such time as the suspicion of rabies has been confirmed or refuted.
- c) Where in the opinion of the Medical Health Officer and the District Veterinarian, Health of Animals Branch, Canada Department of Agriculture, rabies infection has reached proportions where mass vaccination is indicated every person who owns or harbours or has in his possession within the Village of Bethune any dog or cat susceptible to rabies shall cause such dog or cat to be inoculated against rabies.
- d) A certificate issued by a qualified veterinarian to the effect that a dog or cat has been inoculated against rabies shall be prima facie evidence that such animal has been inoculated.

14. GENERAL

- a) No unauthorized person shall remove from a dog a collar or licence tag.
- b) No person shall own, possess or harbour any dog or cat which by loud and frequent barking, howling, yelping or other noise, or chasing motor or other vehicles or in any other manner or way, creates a disturbance to the annoyance or discomfort of other persons residing in the neighbourhood, or to the public at large; or which causes injury to any person.
- c) No person shall break open or assist in breaking open any pound in which a dog or cat may be impounded, or hinder or delay or obstruct any person in the performance of his duties under this Bylaw.

15. PENALTY

Subject to Section 16 of this Bylaw, any person committing a breach of this bylaw or neglecting or refusing to comply therewith is guilty of an offense and liable on summary conviction to a fine of not less than Twenty (\$20.00) dollars and not more than One Thousand (\$1000.00) dollars, whether or not the dog or cat in connection with which the breach or neglect or refusal was committed has been impounded, sold or destroyed; and, in the event that a licence had not been obtained and the fee therefore paid as required by this bylaw with respect to the dog in connection with which the breach or neglect or refusal was committed, the amount of such licence fee shall be assessed and directed to be paid by the summary conviction court in addition to the amount of the said fine, and the same shall be enforced and recovered in the same manner as such fine; and in default of payment of the fine plus costs and licence fees, to a term of not less than seven (7) days nor more than thirty (30) days in the nearest goal.

16. VOLUNTARY PENALTY

- a) Any person found committing or having committed a breach of any offence provided in subsection (b) of this Section may be issued a Summary Offense Procedures Act Part 7 Summons, by any Animal Control Officer so appointed by Council, outlining the offence and stating the penalty provided.
- b) Any person receiving a summons issued in accordance with subsection (a) of this Section may avoid prosecution for the breach by making payment of the penalty, for the breach, to the Village Office within fifteen (15) days of receipt of the ticket, as follows:

Sec. 3 a) Fail to obtain dog licence	- \$25.00
Sec. 4 Failure to cause tag to be warn	- \$10.00
Sec. 5 a) Owning 4 or more animals	- \$50.00
Sec 5 b) Operating a kennel	- \$500.00
Sec. 5 c) Owning or harboring farm, wildlife or exotic wildlife	- \$200.00
Sec 6 a); b); c); d); or f)	- \$100.00
Sec. 7 a); c); d); or e)	- \$ 25.00
Sec. 13 a) Remove licence from dog.	- \$ 10.00
b) Harbour dog creating a disturbance.	- \$ 25.00
c) Break open or assist breaking open pound.	- \$100.00
- d) Any person failing to pay the penalty within the time required by subsection b) of this section is

liable, upon summary conviction for the offence committed, to the penalty stated as follows:

Sec. 3 a) Fail to obtain dog licence	- \$ 50.00
Sec. 4 Fail to cause dog to wear collar and display licence tags	- \$20.00
Sec. 5 a) Owning 4 or more animals.	- \$100.00
Sec. 5 b) Operating a kennel	- \$1000.00
Sec 5 c) Owning or harboring farm, wildlife or exotic wildlife	- \$400.00
Sec 6 a); b); c); d); or f)	- \$200.00
Sec. 7 a); c); d); or e)	- \$ 50.00
Sec. 13 a) Remove licence from dog.	- \$ 20.00
b) Harbour dog which creates disturbance.	- \$ 50.00
c) Break open or assist breaking open pound	- \$200.00

16. SEVERABILITY

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the Village of Bethune’s Animal Control Bylaw.

17. REPEAL

Bylaw No. 4/2007 and Bylaw 3/93 are hereby repealed.

18. COMING INTO FORCE

This Bylaw shall come into force and take upon final passing thereof.

Mayor

(SEAL)

Administrator

Certified a true copy of a bylaw passed
By the resolution of the Council present
At their regular meeting held on the
3rd day of September, 2013.

Administrator