**RURAL MUNICIPALITY OF DUCK LAKE No. 463**

**BYLAW 15-2018**

A BYLAW OF THE RURAL MUNICIPALITY OF DUCK LAKE NO. 463

RESPECTING THE LICENSING AND REGULATION OF DOGS IN THE HAMLET OF

MACDOWALL OF SASKATCHEWAN.

The Council of the RM of Duck Lake No. 463 in the Province of Saskatchewan enacts as follows:

1. This bylaw shall be known as the “Animal Control Bylaw”.

2. **DEFINITIONS**

 In this bylaw, the following definitions apply:

 a) **Administrator** – means the administrator for the RM of Duck Lake No 463.

b) **Bylaw enforcement officer** – means the person or persons appointed or contracted by the RM of Duck Lake for the purpose of enforcing the provisions of this bylaw.

 c) **Council** – means the Council of the RM of Duck Lake.

 d) **Court** – means the Provincial court of Saskatchewan established pursuant to The Provincial Court Act.

 e) **Dog** – means a male or female dog or a male or female puppy over eight (8) weeks of age.

 f) **Dangerous 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) any dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise threaten the safety of persons or domestic animals;

 iii) any dog that, without provocation, has bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal;

 iv) any dog which is owned primarily or in part for the purpose of dog fighting or is trained for fighting.

 g) **Judge** – means a judge of the Provincial court of Saskatchewan or a justice of the

 peace.

 h) **Municipality** – means the Hamlet of MacDowall.

 i) **Owner** – includes:

 i) a person, persons, partnership, association or corporation who keeps, possesses, harbors or has care of or control of a dog;

 ii) the person responsible for the custody of a minor where the minor is the owner of a dog.

 j) **Pound** – means such premises and facilities as may be designated by the Council of the RM of Duck Lake for the purpose of safely lodging and securing animals seized pursuant to this bylaw.

k) **Person** – means and includes an individual(s), partnership, association or corporation.

 l) **Provocation** – means an act done intentionally for the purpose of provoking an animal to which this Bylaw applies.

 m) **Restricted Dog** – means any dog, whatever its age of the following breeds or kinds:

 i) Pit Bull Terrier, American Pit Bull Terrier, Pit Bull, Staffordshire Bull Terrier, Bull Terrier, American Staffordshire Terrier, Doberman Pinscher, Rottweiler, German Shepherd, Rhodesian Ridgeback, Wolf Hound, Wolf Cross, coyote Cross, Bulldog, Bull Terrier, Boxer, Akita, Chow, Husky, Bull Mastiff or any dog of mixed breeding which includes any of the aforementioned breeds which can be identified through its physical characteristics by a Veterinarian licensed to practice in Saskatchewan; or, a dog declared dangerous under the Municipalities Act.

 ii) Any dog that has been trained as a guard dog where such training involves physical attack on an intruder when such animal is not engaged in guarding a business premise or residence.

 n) **Running at Large** – means when the dog is beyond the boundaries of the land occupied by the owner, possessor, harbourer or keeper of the said dog, or beyond the boundaries of any lands where it may be with the permission of the owner or occupant of the said land and is not under control by being:

 i) on a leash and in direct and continuous charge of a person competent to control it; or

 ii) securely confined within an enclosure; of

 iii) securely fasten so that it cannot roam at will.

 o) **Ticket** – means a notice of violation, summary offence ticket or summons.

 p) **Working Guide Dog** – means any dog whose primary purpose is to guide and provide assistance to individuals who are visually or physically impaired and who have successfully completed a recognized training program for use as a service dog.

3. **REGISTERING**

 a) Every owner of a dog within the hamlet shall cause each such dog to be registered with the Hamlet Secretary. At the time of registering, the applicant shall complete an application form provided by the local authority, providing a physical description of the dog, the breed of the dog, the name, address, email address and telephone number of the owner of the dog along with a picture of said dog.

 b) The registration will be for one (1) year and will be due on January 31st at the beginning of each 1 year period.

 c) Every owner of a dog shall, register the said dog with the Hamlet Secretary, and failure to do so shall constitute an offence under this bylaw.

 d) Any dog registration certificate or applicable fee issued pursuant to the provisions of this bylaw by the Hamlet shall not be transferable to any other dog or cat.

 e) Any dog registration fee issued pursuant to the provisions of this bylaw by the Hamlet of MacDowall shall not be transferable to any other dog.

 f) Notwithstanding Section 3(c), a restricted dog which has been professionally trained to assist the physically challenged or those suffering from chronic, life-threatening diseases including, but not limited to, epilepsy, diabetes, blindness and wheelchair confinement, shall not be subject to a registration fee.

 g) The provisions of this section shall not apply to the dogs kept, in the ordinary course of business, by the proprietors of the following premises:

 i) a veterinary hospital, clinic, boarding kennel or grooming parlour;

 ii) a public pound;

 iii) a shop whose business includes the sale of pets;

 iv) a shelter operated by an association or society incorporated for the purpose of the protection and humane treatment of animals.

 h) A person residing in the hamlet who owns, possesses, keeps or harbours a dog and neglects or refuses to register or pay any applicable registration fee shall be subject to the penalties as outlined in Schedule “C” of this bylaw.

 i) The owner shall be supplied with a current registration tag and a receipt for payment

 of the registration fee when the dog or cat is registered.

 j) the owner of a dog shall ensure that the dog wears a collar to which is attached a

 valid license tag whenever the dog is off the premises of the owner.

 k) No person shall:

 i) Untie, loosen or otherwise free a dog which has been tied or restrained; or

 ii) Negligently or willfully open a gate, door or other opening in a fence or enclosure in which a dog has been confined and thereby allow a dog to run at large in the Hamlet of MacDowall

4. **RUNNING AT LARGE**

 a) The owner of a dog shall not at any time allow the dog to run at large within the hamlet.

 b) When a dog is found to be running at large, its owner is deemed to have failed or refused to comply with the provisions of this section.

 c) Where a dog is found to be running at large, the owner or occupant of that property on which the dog is running at large may make a written complaint to the bylaw enforcement officer.

5. **LIMITS – DOGS**

 a) No person within the hamlet shall harbour or keep more than three (3) dogs on any one property. If an owner fails or refuses to comply with the provisions of this section, he/she shall be subject to the penalties as set out in Schedule “C” attached hereto.

6. **SEIZURE AND IMPOUNDING**

 a) A bylaw enforcement officer or peace officer may seize and impound any dog observed to be at large.

 b) A bylaw enforcement officer or peace officer may enter onto land surrounding any building in pursuit of any dog which has been observed to be at large.

 c) The bylaw enforcement officer is hereby authorized to seize and capture, by any humane method, and impound any dog running at large contrary to the provisions of this bylaw.

 d) No person, whether or not he is the owner of a dog which is being or has been pursued or seized, shall:

 i) interfere with or attempt to obstruct a bylaw enforcement officer who is attempting to seize or has seized any dog in accordance with the provisions of this bylaw;

 ii) unlock or unlatch or otherwise open the vehicle in which dogs seized under this bylaw have been placed so as to allow or attempt to allow any dog to escape therefrom.

 iii) remove or attempt to remove any dog or cat from the possession of the bylaw enforcement officer.

 e) In the event that the animal in question cannot be caught by the Bylaw Officer or Peace Officer, he is authorized to take a photograph of the animal and, upon establishing the owner of the animal, a fine will be levied against the owner.

 f) Upon receipt of a completed and signed complaint, the Administrator shall notify the owner, possessor or harbourer by registered mail that a complaint has been received and that, in the event of failure to pay the appropriate voluntary fine relevant to the infraction within seven (7) days of the receipt of the notice, the Administrator shall take the steps necessary to prosecute the owner, possessor or harbourer. The complaint shall be in the form provided by the local authority.

7. **LITTER**

 a) If a dog defecates on any public or private property other than the property of the owner, possessor or harbourer of the said dog, the owner, possessor or harbourer of the dog shall cause such defecation to be removed immediately and disposed of in a sanitary fashion. Failure to cause such removal shall be an infraction of this bylaw.

 b) Defecations deposited on the private property of the owner, possessor or harbourer of a dog shall be removed and disposed of in a sanitary manner on a weekly basis.

 8. **NUISANCE**

 a) The owner, possessor or harbourer of a dog shall not allow the animal to create a nuisance to any person by barking, howling, attempting to bite or biting anyone or any domestic animal, chasing vehicles or bicycles and any owner, possessor or harbourer who contravenes this section commits an offence under this bylaw.

 b) Where a dog is found to be creating a nuisance, the owner or occupant of that property on which the dog is creating a nuisance may make a written complaint to the bylaw enforcement officer.

 9. **RABIES AND OTHER DISEASES**

 a) Any dog suspected of having rabies shall not be killed but shall be secured and isolated for ten (10) days and the matter immediately reported to a veterinary clinic whose instructions shall be complied with.

 b) An owner, possessor or harbourer of a dog who neglects or refuses to comply with any order of the veterinary clinic shall be guilty of an infraction of this bylaw.

10. **DANGEROUS DOGS**

1. Dangerous Animals are defined in Section 2(f)
2. Exemption for Guard Dogs
	1. No Dog shall be considered dangerous where an action described in Section 2(f) occurred while the dog was:
		1. Acting in the performance of police work; of
		2. Working as a guard dog on commercial or residential property;
		3. Securely enclosed on property by a fence or other barrier sufficient to prevent the escape of the dog and the entry of children of tender years; and
		4. Defending that property against a person who was committing an offence.
3. Dangerous Animal Hearings
	1. Where a complaint is received by the Hamlet that a dog within the hamlet is dangerous, Section 375 of *The Municipalities Act* shall apply. If a complaint is made that an animal is dangerous, a judge shall hold a hearing to determine if, based upon the evidence adduced at the hearing, the animal is in fact, dangerous.

11 **RESTRICTED DOG**

1. Requirements for obtaining and maintaining a Registration for a restricted dog are as follows:
	* 1. An owner of a restricted shall maintain in force a policy of liability insurance providing third party liability coverage in a minimum amount of $500,000.00 for injuries caused by the owners’ restricted dog. The owner shall provide a photocopy of the said liability insurance policy to the Secretary when applying for a restricted dog registration. The liability policy shall contain a provision requiring the insurer to immediately notify the Hamlet in writing in the event that the policy expires, is cancelled or is terminated. Upon cancellation, expiry or termination of the liability insurance policy, the restricted or dangerous dog license is null or void;
		2. At all times while a restricted dog is on the premises of its owner, the owner shall either keep such dog confined indoors under the effective control of a person over the age of eighteen (18) years, or confined in an enclosure which complies with the criteria prescribed in Section 14.
		3. When any restricted dog is off the premises of the owner, the owner shall muzzle and leash it in accordance with the criteria prescribed in Section 12 and keep it under direct control and supervision;
		4. The owner shall display a sign, which complies with the criteria prescribed in Section 15 on the owner’s property warning of the presence of the animal and shall continue to display that sign in good condition so long as the animal is present on the property;
		5. The owner shall inoculate the animal against rabies in accordance with the provisions of Section 13
		6. If the animal is not registered, the owner shall, at the owner’s expense and within ten days of acquiring the restricted dog, purchase the requisite registration for the animal;

12. **CRITERIA FOR MUZZLE AND LEASH FOR RESTRICTED ANIMALS AND**

 **DANGEROUS DOGS**

* 1. Where a restricted animal or an animal that has been declared dangerous pursuant to Section 10(c) is removed from the owner’s property, the animal shall be equipped with a muzzle and be secured by a leash in accordance with the following criteria:
1. The animal shall be fitted with a collar or harness for the body that is properly placed and fitted on the animal;
2. The Movement of the animal shall be controlled by a person by means of a leash attached to the collar or harness of the animal;
3. The leash shall not exceed 1.2 meters in length and shall be constructed of a material having a tensile strength of at least 40 kilograms;
4. The muzzle on the animal shall be properly fitted on the animal to prevent it from biting any animal or person;
5. The muzzle shall be fitted on the animal in a manner that it will not interfere with the vision of respiration of the animal.

13. **INOCULATION OF RESTRICTED AND DANGEROUS ANIMALS**

1. Where an animal is a restricted animal or has been declared to be dangerous pursuant to Section 10, the owner of the animal shall, at the owner’s expense and within ten days of registering the animal, have the animal inoculated against rabies by a veterinarian and provide proof to a designated officer that the dog has been inoculated within ten (10) days.
2. Where the owner of an animal provides proof that the animal has been inoculated against rabies during the period of 12 months prior to the date of the order, the owner is not required to comply with Section 13(a) until the expiration of 12 months from the date of inoculations of the animal.

14. **ENCLOSURES FOR RESTRICTED ANIMALS AND DANGEROUS ANIMALS**

1. If the animal is a restricted animal or if a judge orders pursuant to Section 10 that an

 animal be kept in an enclosure, the enclosure must comply with the following criteria:

1. The enclosure shall be constructed of wood or any other building material of sufficient strength and in a manner adequate to;
2. Confine the animal; and
3. Prevent the entry of children of tender years;
4. The entrances and other areas by which entry to or exit from the enclosure may be made shall be locked or fastened in a manner adequate to prevent the animal from escaping from the enclosure;
5. The enclosure shall be at least 3 meters in length, 1.5 meters in width and 1.8 meters

 in height;

1. The enclosure shall have a top secured to the sides of the enclosure;
2. The enclosure shall:
3. Have a floor secured to the sides of the enclosure; or
4. The sides of the enclosure shall be embedded in the ground to a depth of at least .6 meters;
5. The Enclosure shall:
6. Provide protection from the elements for the animal;
7. Provide adequate light and ventilation for the animal; and
8. Be kept in a sanitary and clean condition

15. **SIGNS FOR RESTRICTED AND/OR DANGEROUS ANIMALS**

1. Where an animal is a restricted animal, the owner of the animal shall, within ten days of registering the animal, display a sign on his or her premises warning of the presence of the animal.
2. A sign required by Section 18(a) shall be placed at each entrance to the premises where the animal is kept and on the enclosure in which the animal is confined
3. A sign required by section 18 shall be clearly visible and capable of being read from any adjacent public road.

16. **QUARANTINE OF ANIMALS**

1. Where an animal has bitten a person or domestic animal, the owner of the animal shall, unless the animal is ordered destroyed, quarantine the animal for observation for symptoms of rabies for a period of not less than ten days in accordance with the Animal Disease and Protection Act (Canada).

17. **APPOINTMENT OF DESIGNATED OFFICERS**

 a. The Bylaw Enforcement Officer shall be designated officer for the purpose of this

 Bylaw.

18. **OWNING AND HARBORING EXOTIC AND WILD ANIMALS**

1. No person shall own or harbor any animal, or hybrid of any animal, of the kind listed

in Appendix “C” for any purpose.

1. No person, partnership or corporation, whether operated separately or in connection with another business enterprise, shall operate a pet store that buys, sells, trades, exhibits or harbors any animal or hybrid of any animal of the kind listed in appendix “C”

19. **LIVESTOCK AND POULTRY**

 a) For purposes of this section, the following definitions shall apply:

 i) **livestock** – means any domestic animal usually raised for sale and profit, including but not necessarily limited to:

(1) an animal as defined in Section 2(b) of *The Stray Animals Act;* or

(2) an animal as defined in Sections 2 and 3 of *The Stray Animals Regulations, 1999*.

 ii) **poultry** – means:

(1) domestic fowl usually propagated and fattened for the table and for their eggs, feathers, etc. including, but not limited to chickens, geese, ducks, turkeys, guinea fowl; or

(2) pigeons of the species Columba livia, commonly known as the domestic pigeon, and includes pigeons raised for the purpose of racing, show, table and pets and includes feral pigeons.

 b) No person shall possess, harbour, confine, herd, ride, walk or graze or allow to graze any livestock or poultry within the limits of the hamlet.

 c) Section 10(b) shall not apply to livestock and poultry brought into town for the duration of a council-authorized special event at which the said livestock and poultry will be used for purposes or exhibition or performing at a special event.

20. **GENERAL PENALTY**

 a) A person who contravenes any provision of this bylaw or neglects or refuses to comply therewith shall be guilty of an offence and liable upon summary conviction to a fine of not less than $50.00 and not more than $2,000.00.

21. **PENALTY**

 a) Where any person has committed or alleged to have committed a breach of any of the provisions of this bylaw, upon summary conviction, a ticket in the form provided by the authority may be served on such person by the bylaw enforcement officer.

 b) A person to whom a ticket is being issued pursuant to this section shall furnish the bylaw enforcement officer with his/her name and address upon request.

 c) Notwithstanding Section 14, a person who contravenes any provision of this bylaw, upon being served with a ticket, may voluntarily pay the prescribed penalty as set forth in Schedule “B” to this bylaw.

 d) If the Hamlet receives voluntary payment of the prescribed penalty within seven (7) days from the date the ticket was issued, the person receiving the ticket shall not be liable for prosecution for the offence.

 e) If the person who has committed or is alleged to have committed a breach of any section of this bylaw fails to pay the specified fine within the time allowed following service of the ticket, the provisions of this section no longer apply and the person shall be liable to prosecution for the offence.

 f) It shall be an offence for any person to harass, threaten, use excessive profanity towards, or to disobey a “bylaw enforcement officer”.

22. **SEVERABILITY**

 a) A decision of the court that one or more of the provisions of this bylaw are invalid in whole or in part does not affect the validity, effectiveness or enforceability of the other provisions or parts thereof with respect to this bylaw.

23. **REPEAL**

 Bylaw 2-2018 is hereby repealed.

READ THREE TIMES BY UNANIMOUS vote and passed by Council of the R.M. of Duck Lake No. 463 in the Province of Saskatchewan this 12TH day of December 2018 .

 Rural Municipality of Duck Lake No. 463

(Seal)

 Reeve

 Administrator

**SCHEDULE “A” TO BYLAW 5-2015**

1 year registration fee {Section 3(a)}

 $ 5.00

**SCHEDULE “B” TO BYLAW 5-2015**

**PENALTIES**

 **Offences**

**Section Offence First Subsequent**

*If paid within 7 days of date of issue of the notice of violation:*

3(c) Failure to register $ 50.00 $100.00

4(b) Running at large $200.00 $400.00

5 \*Exceeding limits on any one property

 (For each animal exceeding limits) $ 50.00 $100.00

9 Failure to remove defecation $ 50.00 $100.00

10(a) Nuisance dogs $ 50.00 $100.00

 Falsifying breed of dog when registering $ 50.00 $100.00

*If paid after 7 days of the date of issue of the notice of violation:*

 50% increase of fine charged.

Pound Fees – As per Animal Protection charges plus 15% Admin Fees.

**PENALTIES – GENERAL**

16(f) Harass, threaten, use excessive profanity or

 disobey a “bylaw enforcement officer” $100.00

\* Three dogs per household – as at April 1, 2015.

**Appendix “A”**

Being a list of animals the keeping of which is prohibited within the Hamlet of MacDowall:

-All arachnids dangerous to humans (such as scorpions and tarantulas, except tarantulas of

 the genera Aphonopelma, Avicularia and Grammostola)

-All Artiodactylus Ungulates, except domestic goates, sheep and cattle

-All Bats

-All Canids, except the domestic dog

-All Crocodilians (such as alligators, crocodiles and caimans)

-All Edentates (such as anteaters, sloths and armadillo)

-All Elephants

-All Felids, except the domestic cat

-All Hyaenas

-All Marsupials (such as kangaroos and opossums)

-All Mustelids (such as skunks, weasels, otters and badgers) except the domestic ferret

-All non-human Primates (such as gorillas and monkeys)

-All Perissodactylus Ungulates, except the domestic horse, mule and ass

-All Pinnipeds (such as seals, fur seals and walruses)

-All Procyonids (such as raccoons, coatis and cacomistles)

-All Raptors, diurnal and nocturnal (such as eagles, hawks and owls)

-All Ratite Birds (such as ostriches, rheas, and cassowaries)

-All Snakes of the families Pythonidea and Boidae

-All Ursids (bears)

-All venomous Reptiles and Amphibians

-All viverrids (such as mongooses, civets and genets)

Examples of animals of a particular prohibited group are given in parentheses. They are examples only and shall not be construed as limiting the generality of the group.