

RURAL MUNICIPALITY OF DUCK LAKE No. 463

BYLAW 5-2015

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) **Dog** – means a male or female dog or a male or female puppy over eight (8) weeks of age.
- e) **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.
- f) **Municipality** – means the Hamlet of MacDowall.
- g) **Owner** – includes:
 - i) a person, persons, partnership, association or corporation who keeps, possesses, harbours 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.
- h) **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.
- i) **Person** – means and includes an individual(s), partnership, association or corporation.
- j) **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.
- k) **Ticket** – means a notice of violation, summary offence ticket or summons.

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 provide the Hamlet with a physical description of the dog, the breed of the dog, the name, address and telephone number of the owner of the dog, as set out in the form

designated Form "A" and attached hereto, and in the case of a dog, a rabies certificate valid for the registration year.

- b) The registration year for dogs shall be from the first day of April to the thirty-first day of March of a calendar year.
- c) Every owner of a dog shall, no later than May first in each year, register the said dog with the Hamlet Secretary, and failure to do so shall constitute an offence under this bylaw.
- d) In addition to the registration requirements laid down in Section 3(a)(b)(c), the owner of a dog shall pay an annual registration fee as set out in Schedule "A" attached hereto.
- e) The sum payable for a registration fee required after the thirty-first day of October in a calendar year shall be calculated at fifty percent of the annual fee and shall expire on the thirty-first day of March of a calendar year.
- f) 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.
- g) Notwithstanding Section 3(d), 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.
- h) 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.
- i) 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.

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.

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.

12. DANGEROUS DOGS

- a) Where a complaint is received by the Hamlet that a dog within the hamlet is dangerous, Section 375 of *The Municipalities Act* shall apply.

10. 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.

11. 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.

12. **PENALTY**

- a) Where any person has committed or alleged to have committed a breach of any of the provisions of this bylaw, a ticket in the form designated Form "B" attached to and forming a part of this bylaw, 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 "C" 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".

13. **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.

14. **REPEAL**

Bylaw 5-2013 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 8TH day of April, 2015.

Rural Municipality of Duck Lake No. 463

(Seal)

_____ Reeve

_____ Administrator

SCHEDULE "A" TO BYLAW 5-2015

Annual registration fee {Section 3(d)} dogs	\$ 10.00
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SCHEDULE "B" TO BYLAW 5-2015

PENALTIES

<u>Section</u>	<u>Offence</u>	<u>Offences</u> <u>First</u>	<u>Subsequent</u>
<i>If paid within 7 days of date of issue of the notice of violation:</i>			
3(a)	Failure to provide proof of rabies vaccination	\$ 50.00	\$ 100.00
(c)	Failure to register	\$ 50.00	\$ 150.00
4(b)	Running at large	\$ 100.00	\$ 250.00
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	\$ 250.00
	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:

Individual offences as listed above	\$150.00	\$300.00
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Pound Fees - \$100.00 per dog per day plus euthanization fee.

PENALTIES – GENERAL

16(f)	Harass, threaten, use excessive profanity or disobey a "bylaw enforcement officer"	\$250.00
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* Three dogs per household – as at April 1, 2015.

Form "A" – Bylaw 5-2015
{Section 3 a}

DOG REGISTRATION FORM

Name of owner: _____

Address (mailing): _____

(civic) _____

Phone number: _____

Dog

Tag # _____


Breed of dog: _____

Physical description: _____

Rabies certificate provided (for dogs only) Yes / No (attached copy)

Form "B" – Bylaw 5-2015

NOTICE OF VIOLATION

 RM of Duck Lake
Box 250
Duck Lake, SK
S0K 1J0

Ticket No. **N^o** 175

NAME: _____

M	F	C
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DRIVER'S LICENCE _____ CLASS _____

PROVINCE OF ISSUE SK / _____ D.O.B. DD/MM/YYYY

ADDRESS: _____
(Street) (City) (Province, Postal Code)

THE OFFICER ISSUING THIS TICKET HAS REASONABLE GROUNDS TO BELIEVE THAT ON
THE _____ DAY OF _____ 20____ AT / NEAR _____
AT _____: _____, _____ M.

DID UNLAWFULLY COMMIT THE FOLLOWING OFFENCE UNDER SECTION NO. _____ OF

Parking Bylaw No. _____ of _____ Animal Control Bylaw No. _____ of _____

Other Bylaw No. _____ of _____ Nuisance Abatement Bylaw No. _____ of _____

DESCRIPTION OF OFFENCE: _____

A VOLUNTARY PAYMENT OF \$ _____ EXISTS.

IT MUST BE PAID WITHIN _____ DAYS OF THIS NOTICE BEING ISSUED TO AVOID PROSECUTION.

To avoid prosecution the payment in full must be received by the Administration office of the Municipality identified above during regular business hours.

I, _____ a designated officer authorized to issue this Notice CERTIFY that

I did on the _____ day of _____ 20____ issue this notice.

Signature of Officer _____

Other information not part of the charge but for information: _____

NOTICE RESPECTING VOLUNTARY PAYMENT WITHOUT COURT APPEARANCE

Where the penalty for the above allows for a voluntary payment, such payment of the above penalty is payable at the municipal office noted above during regular office hours or by mail within the prescribed time from the date of service of this Notice of Violation. If you do not make a voluntary payment within the time set out above, you shall be liable to prosecution and, upon summary conviction shall be liable to the full penalty provided or as the court orders.

Not disposing of this Notice will result in prosecution.