

Village of Ebenezer
Saskatchewan

Bylaw No. 18-2007

**A BYLAW TO PROVIDE FOR THE LICENSING, PROHIBITING,
REGULATING AND CONTROLLING OF ANIMALS AND THE BEING
AT LARGE OF ANIMALS WITHIN THE VILLAGE OF EBENEZER**

Section 8 of *The Municipalities Act* authorizes a Council to license, regulate and control any animal or class of animals; and

The Council of the Village of Ebenezer enacts as follows:

TITLE AND PURPOSE

1. (1) This Bylaw may be referred to as "THE ANIMAL CONTROL BYLAW".
- (2) The purpose of this Bylaw is to promote the safety, health and welfare of people and the protection of people and property in the Village of Ebenezer, to ensure the humane treatment and control of animals and to regulate and prohibit the keeping of dangerous animals within the Village.

PART 1 - DEFINITIONS

2. (1) "**Animal Control Officer**" means any person appointed by Council for the purpose of bylaw enforcement, any member of the Rural Detachment of the R.C.M.P. and any other person or agency appointed by Council to restrain, receive or impound dogs;
- (2) "**Animal Shelter**" means any facility designated as such by the Village Council
- (3) "**Dog**" means and includes every dog of either sex of the canine species; and, shall include pups under 12 months not spayed or neutered and any female dog that has been spayed and any male dog that has been neutered;
- (4) "**Dog Run**" means a permanent structure outside of a residential dwelling unit, used for the containment of a dog;
- (5) "**Judge**" means a Provincial Court Judge;
- (6) "**Leash**" means a chain or other material capable of restraining the dog on which it is being used;
- (7) "**License Year**" means the period from January 1st to December 31st of the same year, both dates inclusive;

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- (8) "**cat**" means and includes every cat of either sex of the feline species;
- (9) "**poultry**" shall mean and include a chicken, turkey, duck, goose, or other domestic fowl;
- (10) "**Livestock**" shall mean and include cattle, horses, mules, asses, sheep, goats, swine, and any other animal generally held for the purposes of livestock;
- (11) "**Owner**" includes:
 - (a) any individual, partnership, association, or corporation who keeps, possesses, or has charge of or control over an animal;
 - (b) the person responsible for the custody of a minor where the minor is the owner of an animal;but does not include;
 - (c) a registered veterinarian who is keeping or harboring an animal for the prevention, diagnosis or treatment of a disease of or an injury to the animal;
 - (d) the Village or the Saskatchewan Society for the Prevention of Cruelty to Animals in respect of an animal shelter or impoundment facility operated by it;
- (12) "**Pound**" means any premises or facilities that may be designated by the Village from time to time, for the impoundment of animals;
- (13) "**Poundkeeper**" means a person, persons, or association designated by the Village from time to time to maintain and administer the pound;
- (14) "**Provocation**" means an act done intentionally for the purpose of provoking an animal to which this Bylaw applies;
- (15) "**Running at Large**" means if the animal is off the premises of the owner, possessor, or harborer of the said dog, and when it is not under control by being:
 - (a) In the direct and continuous charge of a person competent to control it; or securely confined within an enclosure; or
 - (b) securely restrained on a leash not exceeding two meters in length so that it cannot roam and/or is under proper control.
- (16) "**Administrator**" means the administrator for the Village of Ebenezer, and any such person or persons he or she may from time to time appoint to act on his or

her behalf in the enforcement of the licensing and penalty portions of this bylaw;

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- (17) "**Vicious Dog**" means any dog, whatever its age, whether on public or private property which has without provocation;
 - (a) bitten a person or persons whether on the property of the owner or not;
 - (b) done any act to injure a person or persons whether on the property of the owner or not;
 - (c) chased or otherwise threatened a person or persons whether on the property of the owner or not, unless the person chased or threatened is a trespasser on the property of the owner;
 - (d) caused damage to property or other animals.
- (18) "**Prohibited Dogs**" means any dog of the canine species known as Pit Bull, Rotweiller, Doberman Pincher, or any cross breed of these specific breeds.

PART II - DOG LICENSING

- 3. (1) Every owner of a dog shall no later than January 31st in each year obtain a license for the said dog from the Animal Control Officer or appointed representative, and shall pay an annual fee as set out in **Schedule "A"** of this Bylaw, which license shall not be transferable to any other dog or other owner and is non-refundable. The onus of proof as to the date when the owner actually became the owner of the dog in question shall be on the owner.
- (2) When applying for a license, the applicant shall provide a description of the dog, the name and address of the owner or keeper of the dog, the breed of the dog, a veterinary certificate if the dog has been neutered or spayed, and any other relevant information that may be required prior to licensing.
 - (a) No person shall own, harbour, possess, or obtain a license for any prohibited dogs as outlined in Section 2 (18), those prohibited dogs being of the canine species known as Pit Bull, Rotweiller, Doberman Pincher, or any cross breed of these specific breeds.
- (3) The applicant shall provide a certificate from a veterinarian to provide proof that the dog has been vaccinated against rabies within one year from the date of application for the license for all dogs aged 6 months and over.
- (4) Notwithstanding subsection (2) and (3) the owner shall obtain a license for any pup 12 months and under, the fee pups under 12 months is included in Schedule "A".

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- (5) When issuing the initial or first license for a dog the person appointed to do so shall provide the applicant with a tag and a receipt for the license fee, and further the owner shall ensure their dog wears a collar with the tag firmly attached to it.
- (6) Where a person becomes an owner, possessor, or harbourer of a dog after the 31st day of January in any year he shall immediately thereafter cause such dog to be licensed pursuant to this bylaw; and such license fees will be charged on a pro-rated basis; accordingly the licensing fee charged shall be subject to the month the animal was obtained and whether or not the animal has been neutered or spayed.
- (7) Every owner of a dog within the Village shall on demand of the Animal Control Officer or his appointed representative show his license receipt of evidence that he has paid the fee provided for in the Bylaw.
- (8) A person residing in the Village of Ebenezer who owns, possesses, or harbors a dog and neglects or refuses to take out a license subject to all sections of this bylaw shall be deemed guilty of an infraction of this bylaw.
- (9) Where a license required pursuant to this section has been paid for by the tender of an uncertified cheque, the license is automatically revoked if the cheque is not accepted and cashed by the bank on which it is issued.

PART III - RESPONSIBILITY OF DOG OWNERS

Running at Large

4. (1) No owner of a dog shall permit their dog to be running at large at any time in the Village of Ebenezer.
- (2) When a dog is found running at large, its owner shall be deemed to have failed or refused to comply with the requirements of the previous subsections.

Nuisance

5. (1) the owner of a dog shall ensure that such dog shall not;
 - (a) upset any waste receptacles or scatter the contents thereof either in or about a street, lane, or any other public property or in or about premises not belonging to or in the possession of the owner of the dog;
 - (i) any such contents as stated in section 5(1)(a) whether on the owners property or any other property shall be the responsibility of the dog owners to remove; and further should such contents

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not be removed within 24 hours the Village will have it removed and the costs for such removal will be sent to the owner; and further if the Village carried out the work the costs and expenses incurred are a debt due to the Village and the Village may recover the costs and expenses by adding the costs and expenses to the taxes on the land of the person who owned, possessed, or harbored the dog that caused the contents that needed to be removed.

(b) be left unattended in any motor vehicle unless the dog is restricted so as to prevent access to a person or persons as long as such restraint provides for suitable ventilation.

Barking and Howling

6. (1) No owner of a dog shall permit his or her dog to be or become a nuisance by barking or howling to the annoyance or discomfort of any person.

(2) Any such dog which is or has become a nuisance by barking, howling, or whining excessively, shall not be harbored by any person within the boundaries of the Village of Ebenezer. Failure to comply with this section shall constitute an offence under this bylaw. Notwithstanding Section 18 herein, a Provincial Court Judge, on an ex-parte application, may also:

(a) direct the Animal Control Officer to give notice to such owner requiring the nuisance complained of to be abated so as to prevent the recurrence of any nuisance, or;

(b) if such nuisance continues, order said dog to be destroyed upon eight (8) days notice being given to the owner, unless the owner voluntarily agrees to dispose of the dog.

Litter Cleanup

7. (1) If a dog defecates on any property with the boundaries of the Village of Ebenezer other than the property of its owner, the owner shall remove such feces immediately.

(2) Any person owning a dog and occupying property in the Village of Ebenezer shall remove any and all dog feces from the said property on a daily basis and shall dispose of the feces in a sanitary manner.

(3) Failure to cause the removal of all feces as required by subsection (1) and (2) of Section 7 shall be a breach of this bylaw.

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- (4) An owner or occupant of private property must not allow animal feces to accumulate on the property so as to create a health hazard or to become unsightly.
- (5) An Animal Control Officer may serve an owner or occupant of private property with a notice to remove all animal feces from the property within 72 hours of service of the notice in accordance with Section 33.
- (6) The Village may remove the feces from the property if:
 - (a) the person to whom the request is made fails to remove the feces within 72 hours; or
 - (b) after reasonable inquiry, the whereabouts of the owner or occupant of the property cannot be determined.
- (7) If the Village carried out the work under subsection (6), the costs and expenses incurred are a debt due to the Village and the Village may recover the costs and expenses by adding the costs and expenses to, and thereby they form part of, the taxes on the land on which the animal resided.

Interference

8. No person shall:
 - (1) Untie, loosen or otherwise free an animal which has been tied or otherwise restrained; or
 - (2) Negligently or willfully open a gate, door or other opening in a fence or enclosure in which an animal has been confined and thereby allow an animal to run at large;
 - (3) Tease, entice, bait or throw objects at a dog confined within its owner's property.

PART IV - IMPOUNDMENT OF DOGS

9. (1) The Animal Control Officer or a representative appointed by Council may seize and impound any dog found running at large and may enter onto the land surrounding any building in pursuit of any dog observed running at large.
- (2) No person, including the person who is the owner of a dog which is being impounded or has been impounded, shall interfere with a Poundkeeper, Animal Control Officer, or person appointed by council who is impounding any dog in accordance with the provisions of this Bylaw.
- (3) Any person of the full age of 18 years may restrain any dog running at large in the Village and deliver such dog so restrained to the Animal Control Officer, appointed representative, or Poundkeeper for impoundment. Such person shall provide a written statement describing the dog restrained, the name of the owner

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if known, and the place and time or restraint to the Animal Control Officer.

- (4) When an impounded dog is wearing a collar to which is attached a license tag, determined to be valid for the current year, the Animal Control Officer shall immediately give telephone or written notice to the owner of the dog. Unless the said dog is claimed and the fees as provided by this Bylaw are paid within 72 hours from the date of the Notice, the said dog shall be dealt with pursuant to the provisions of this Bylaw and no liability whatsoever shall attach to the Village of Ebenezer or the Animal Control Officer or any appointed representative by reason of the failure of the owner to receive such notice.
- (5) It shall be the duty of the Animal Control Officer to provide to each dog impounded under the authority of this Bylaw, an adequate supply of food and fresh water during its confinement in the animal shelter and to maintain clean and properly ventilated pens or enclosures for impounded dogs.
- (6) All dogs impounded shall so be confined for a period of 72 hours from the time of capture during which time the owner shall have the right to repossess the said dog upon paying the violation ticket and the amount set forth in **Schedule "C"**.
- (7) No *unlicensed* dog, which is impounded, shall be released to its owner or to any other person until the appropriate pound fee and violation notice ticket is paid and a license, subject to the provisions of this bylaw, has been purchased for it.

Disposal of Unclaimed Dogs

10. (1) If an impounded dog is not claimed within seventy-two (72) hours from the time such dog is received at the pound, excluding Sundays and Statutory Holidays, and the fees if any, are not paid as herein provided, the said dog may be disposed of by the Poundkeeper without further notice in the following manner:
 - (a) disposal by adoption, where in the opinion of the Poundkeeper the dog is suitable for adoption;
 - (b) disposal by euthanasia where in the opinion of the Poundkeeper the dog is not suitable for adoption;
 - (c) disposal by euthanasia if the dog cannot be adopted within a reasonable time, that time being at the discretion of the Poundkeeper

PART V - CONTROL AND REGULATION OF EXOTIC AND WILD ANIMALS

Owning and Harboring Exotic and Wild Animals

- 11.(1) No person shall own or harbor any animal, or hybrid of any animal, considered

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exotic or wild including but not limited to the following: all arachnids dangerous to humans, canids (except the domestic dog), crocodilians, felids (except the domestic cat), marsupials, and all snakes of the families Pythonidae and Boidae, and all venomous reptiles and amphibians; unless they hold a license under any statute of the Legislature of Saskatchewan or the Government of Canada, which permits the keeping of such animals under stated conditions.

PART VI - GENERAL

12. Any animal suspected of having rabies or other life threatening disease shall be isolated and may not be claimed from the pound, destroyed or otherwise disposed of except after notice to a Medical Health Officer and then only in compliance with the direction of the Medical Health Officer.

Dog Runs

- 13.(1) Where a dog is housed or kept in a dog run, the Owner shall ensure that the dog run is kept in a sanitary condition protecting the health and safety of the dog or any other living being.
- (2) An Owner shall ensure a dog run on the property is located no closer than 1 meter to a property line and no closer than 5 meters from a dwelling unit located on an adjacent property.
- (3) An Owner shall ensure that a dog run on the property is maintained so and does not become unsightly or in disrepair and constructed of material of sufficient strength and in a manner adequate to:
 - (a) confine the dog; and
 - (b) prevent the entry of children of tender years.
- (4) If, in the opinion of the Animal Control Officer or the Village Council, the condition or location of a dog run is not in accordance with this Bylaw, they may order the owner of the property on which the dog run is located to clean, alter, demolish, or relocate the dog run within the time period specified in the order and the person to whom an order is issued shall comply with the order within the time specified in the order, or in the case of relocation allow at least 30 days to relocate or remove the dog run.

Number of Animals Permitted

14. No person shall own, harbor, or possess more than two (2) dogs in or about any one residence within the Village of Ebenezer.

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15. No person shall own, harbor, or possess more than two (2) cats in or about any one residence within the Village of Ebenezer.

Humane Destruction of Sick and Injured Animals

16. An Animal Control Officer or an appointed representative may take immediate action to humanely destroy any sick or injured animal found within the boundaries of the Village where, in the opinion immediate destruction of the animal is necessary to avoid unnecessary suffering by the animal. Reasonable efforts shall be made to contact the owner of an animal before it is destroyed, however no action lies against the Animal Control Officer or an appointed representative solely because the owner of the animal was not contacted.

PART VII - PENALTIES

Voluntary Payment Tickets

- 17.(1) Where an Animal Control Officer believes that a person has contravened any provision of this Bylaw, either on his own, or by a complaint made in the form of a written statement (**Schedule "D"**), they may serve upon such person a Bylaw Notice of Violation (**Schedule "E"**) as provided by this section either personally or by registered mailing or leaving same at his last known address and such service shall be adequate for the purpose of this Bylaw.
- (2) Such notice shall be deemed to have been served on the expiration of twenty-four hours after it is posted, if the notice is mailed; or such notice shall be deemed to have been served on the day of actual delivery, if the notice is served personally.
- (3) A Notice of Violation shall be in such form as determined in Schedule "E" and shall state the section of the Bylaw which was contravened, and the amount as set out in Schedule B that will be accepted by the Village in lieu of prosecution.
- (4) Upon production of a Notice of Violation issued pursuant to this section within thirty (30) days from the issue thereof, together with the payment of the fee as provided in Schedule "B" to the administrator, the person to whom the ticket was issued shall not be liable for prosecution for the contravention in respect of which the ticket was issued.
- (5) Where any person contravenes the same provision of this Bylaw more than once within a twelve month period:

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- (a) a second contravention within twelve calendar months of the first contravention shall be double the specified penalty payable in respect of the second contravention as shown in Schedule "B".
- (6) Notwithstanding the provisions of this section, a person to whom a ticket has been issued pursuant to this section may exercise his right to defend any charge of committing a contravention of any of the provisions of this Bylaw.

Summary Conviction

- 18.(1) Any person who contravenes any provision of this Bylaw, or neglects or refuses to comply therewith, is guilty of an offence, and liable on summary conviction to:
 - (a) a fine in the amount set out in Schedule "B"; or
 - (b) in the case of an individual, to a fine not exceeding \$10,000, or imprisonment for not more than one (1) year, or both;
 - (c) in the case of a corporation, to a fine not exceeding \$25,000.00, or imprisonment of the directors of the corporation for not more than one (1) year, or both.
- (2) The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs for which he is liable under the provisions of this Bylaw.
- (3) A Provincial Court Judge, in addition to the penalties provided in this section, may if he considers the offence sufficiently serious, direct or order the owner of the dog to stop the animal from doing mischief or causing the disturbance or nuisance complained of, or to have the animal removed from the City, or have the animal destroyed.
- (4) A Provincial Court Judge, after convicting the owner of a dog of an offence under Section 20(1) and/or Section 20(2) and/or Section 21 of this Bylaw, may in addition to any other penalties imposed or orders made, and without further notice or hearing, declare the subject dog a dangerous dog, pursuant to the provisions of this Bylaw.

Severability

- 19. If any section, subsection, sentence, clause, phrase or other portion of this Bylaw is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the Court shall not affect the validity of the remaining portions of the Bylaw.

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PART VIII - VICIOUS AND DANGEROUS ANIMALS

- 20.(1) The owner of a dog shall ensure that such dog shall not:
 - (a) bite a person or persons whether on the property of the owner or not;
 - (b) do any act to injure a person or persons whether on the property of the owner or not, unless the person chased or threatened is a trespasser on the property of the owner;
 - (c) cause damage to property or other animals;
- (2) Any owner of a dog which is or has become vicious by biting, injuring or chasing a person or animal whether on the property of the owner or not pursuant to Section 20 (1) will be issued a Vicious Dog Order by the Animal Control Officer embodying all of the following terms. The owner of a vicious dog shall ensure that:
 - (a) it does not bite, injure, chase or attack a person or other animal whether on the property of the owner or not;
 - (b) when it is on the property of the owner it is confined in:
 - (i) an enclosed area or in a fenced yard on a chain capable of restraining the dog which enclosed area or fenced yard is marked with a sign (as illustrated in Appendix "A") indicating the presence of a vicious dog and prevents the escape of the vicious dog, or
 - (ii) a dwelling and under the control of a person over the age of sixteen (16) years, and
 - (c) when it is off the property of the owner it is securely:
 - (i) muzzled, and
 - (ii) harnessed or leashed in a manner that prevents it from biting, chasing or attacking a person or other animal.
- (3) After a period of one year after a dog has been deemed to be ordered a "vicious dog" as defined in Section 20 (2) hereof, the owner may apply to the Animal Control Officer for an Order declaring the dog to no longer be deemed vicious. This Order can only be granted after a hearing during which the owner shall have the onus of proving the following:
 - (a) that the Village was provided with at least two weeks written notice of the hearing;
 - (b) that the dog did not during the preceding twelve months:
 - (i) bite a person or persons whether on the property of the owner or not;
 - (ii) do any act to injure a person or persons whether on the property of the owner or not;
 - (iii) chase or otherwise threaten a person or persons whether on the property

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of the owner or not, unless the person chased or threatened is a trespasser on the property of the owner;

(iv) cause damage to property or other animals.

21.(1) An animal is dangerous where it is proved that:

- (a) the animal, without provocation, in a vicious or menacing manner, chased or approached a person or domestic animal in an apparent attitude of attack;
- (b) the animal has a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise threaten the safety of persons or domestic animals;
- (c) the animal has, without provocation, bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal.

(2) For the purposes of this section, an animal is presumed not to have been provoked, in the absence of evidence to the contrary.

Exemption For Guard Dogs

22. No Dog shall be considered dangerous where an action described in Section 21 (1) or occurred while the dog was:

- (a) acting in the performance of police work; or
- (b) working as a guard dog on commercial property:
 - (i) 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
 - (ii) defending that property against a person who was committing an offence.

Fighting Dogs Considered Dangerous

23. Notwithstanding the generality of Section 21, a dog is dangerous where it is proved that the dog is owned primarily, or in part, for the purpose of dog fighting or is trained for dog fighting.

Dangerous Animal Hearing

- 24.(1) 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, that animal is, in fact, dangerous.
- (2) Notice of the hearing referred to in subsection (1) shall be served upon the owner of the animal in accordance with Section 33.
- (3) Where an owner does not appear at the time and place appointed for the hearing after having been notified of that time or place, the judge may proceed *ex parte* to

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hear and determine the proceedings in the absence of the owner as fully and effectively as if the owner had appeared.

- (4) If the judge is satisfied, on the evidence, that the animal is dangerous, the judge shall make an order embodying all of the following terms:
 - (a) if the owner removes the animal from the owners property, the owner shall muzzle and leash it, and keep it under direct control and supervision; with the following criteria for muzzles and leashes applying to this section:
 - (i) the animal shall be fitted with a collar or harness for the body that is property placed and fitted on the animal;
 - (ii) the movement of the animal shall be controlled by a person by means of a leach not exceeding 1.2 meter in length and constructed of a material having a tensile strength of at least 40 kilograms that is attached to the collar or harness of the animal;
 - (iii) the muzzle on the animal shall be properly fitted to prevent it from biting any animal or person; and so as not to interfere with the vision or respiration of the animal.
 - (b) the owner shall have a veterinarian inoculate the animal against rabies at his or her expense within ten days of the date of the order of the judge declaring the animal to be dangerous, and provide proof to a designated officer that the dog has been inoculated.
 - (i) Where the owner of an animal provides proof that the animal has been inoculated against rabies during the 12 months prior to the date of the order, the owner is not required to comply with subsection (1) until the expiration of 12 months from the date of inoculation of the animal.
 - (c) the owner shall report the sale or other disposition of the animal to the Village Administrator;
 - (d) where the animal is moved to a different municipality, the owner shall notify the Administrator of the Village of Ebenezer and the Administrator of the municipality where the animal is being moved to;
 - (e) where the animal is to be sold or given away, the owner shall:
 - (i) notify any prospective owner that the animal has been declared dangerous, before it is sold or given away, and
 - (ii) notify the Administrator of the name, address and telephone number of any new owner of the animal;
 - (f) if the animal is unlicensed, the owner shall, at the owners expense and within ten days of the date of the order, purchase the requisite license for the animal;
 - (g) the owner shall have the animal micro chipped;

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- (i) micro chipping shall be done by a veterinarian at the owners expense and within ten days of the date of the order and provide proof of same to the Animal Control Officer.
- (5) An order pursuant to subsection (4) may also include any or all of the following terms:
 - (a) the owner shall keep the animal in an enclosure which complies with the following criteria:
 - (i) the enclosure shall be constructed of wood or any other building material sufficient in strength and in a manner adequate to confine the animal and prevent the entry of children of tender years;
 - (ii) any entries or exits on the structure shall be locked or fastened in a manner adequate to prevent the animal from escaping from the enclosure;
 - (iv) the enclosure shall be at lease 3 meters in length, 1.5 meters in width, and 1.8 meters in height, with a top secured to the sides of the enclosure; and either a floor secured to the sides of the enclosure or the sides of the enclosure shall be embedded in the ground to a depth of at least .6 meters;
 - (v) the enclosure shall provide adequate protection from the elements as well as provide adequate light and ventilation for the animal;
 - (vi) the enclosure shall be kept in a sanitary and clean condition.
 - (b) the owner shall obtain and keep in effect liability insurance in an amount of not less than \$300,000.00 for any bodily injury to or death of any person or domestic animal, or for damage to property, caused by the animal;
 - (c) the owner shall display a sign, and shall continue to display that sign in good condition so long as the animal is present on the property; with the following criteria applying to such sign:
 - (i) within ten days of the date of the order of the judge declaring the animal to be dangerous a sign as shown in Appendix "B" shall be placed on each entrance to the premises where the animal is kept and on any enclosure in which the animal may be confined and such sign shall be clearly visible and capable of being read from any adjacent public road, warning of the presence of the animal
 - (d) the owner shall have the animal spayed or neutered;
 - (e) the owner shall take such other measures as the judge considers appropriate.
- (6) Notwithstanding subsection (4), a judge may, in the alternative, order that the animal be destroyed or otherwise disposed of at the owners expense and shall give directions with respect to the destruction or other disposition.
- (7) Where an order has been made pursuant to subsection (5) against the owner, the

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owner may apply to the judge who made the order for an order that compliance with the provisions of clause (5)(b) be waived.

- (8) On an application pursuant to subsection (7), the judge may waive compliance with clause (5)(b), on any terms and conditions that the judge considers reasonable, where the judge is satisfied that the owner is unable to comply with the requirements of that clause for a reason other than the owners financial circumstances.
- (9) A person desiring to appeal an order pursuant to this section shall, within seven days of the order being appealed from, file a notice of appeal with Her Majesty's Court of Queen's Bench, and the provisions of the *Criminal Code* apply with any necessary modifications.

Offences and Penalties for Dangerous Dogs

- 25.(1) Any person who owns a dog for the purpose of dog fighting, or trains, torments, badgers, baits or otherwise uses a dog for the purpose of causing or encouraging the dog to make unprovoked attacks on persons or domestic animals is guilty of an offence.
- (2) Any person who displays a prescribed sign warning of the presence of a dangerous animal and who is not acting in accordance with an order made pursuant to subsection 24(5)(c) or has not received the permission of the Village to display the sign is guilty of an offense.
- (3) Any person who does not comply with any part of an order made against him or her pursuant to Section 24(4), (5) or (6) is guilty of an offence.
- (4) Any person who owns an animal that, without provocation, attacks, assaults, wounds, bites, injures or kills a person or domestic animal, is guilty of an offence.
- (5) A person who is guilty of an offence pursuant to this section is liable on summary conviction:
 - (a) to a fine in the amount set out in Schedule "B"; or
 - (b) in the case of an individual, to a fine not exceeding \$10,000.00, or imprisonment for not more than one (1) year, or both;
 - (c) in the case of a corporation, to a fine not exceeding \$25,000.00 or imprisonment of the directors of the corporation for not more than one (1) year, or both.

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- (6) In addition to imposing the penalty under subsection (5), the convicting judge shall make an order embodying the requirements of subsection 24(4).
- (7) An order pursuant to subsection (6) may also include the requirement of Subsection 24(5)
- (8) Notwithstanding subsection (6), the judge may, in the alternative, order that the animal be destroyed or otherwise disposed of at the owners expense and shall give directions with respect to the destruction or other disposition.
- (9) A person desiring to appeal an order or conviction pursuant to this section shall, within seven days of the order or conviction being appealed from, file a notice of appeal with the Court, and the provisions of the *Criminal Code* apply with any necessary modification.

Order Binds Subsequent Owner

26. An order issued pursuant to Section 24 or 25 continues to apply if the animal is sold or given to a new owner or is moved to a different municipality.

Execution of Destruction Order

- 27.(1) Unless the owner otherwise agrees, every order for destruction of an animal shall state that it shall not be implemented for eight days.
- (2) Where an appeal is taken against an order for the destruction of an animal, the application of the order is stayed pending the disposition of the appeal.
- (3) Regardless of the outcome of the appeal, the owner shall be responsible for the payment of the costs of impoundment of the animal pending the hearing.

Return of Animal

28. Where the judge on appeal overturns the order for the destruction of the animal, the animal shall be released to the owner after the owner has paid the costs of impoundment of the animal pending the hearing.

Destruction by Peace Officers

29. (1) A peace officer as defined by the *Criminal Code* may destroy any animal that the officer finds injuring or viciously attacking a person or domestic animal.
- (2) Where the officer acted in good faith, a peace officer who destroys an animal pursuant to subsection (1) is not liable to the owner for the value of the animal.

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Entry and Search

30. If a peace officer as defined by the *Criminal Code* or a designated officer has reasonable grounds to believe that an animal that is dangerous or has been ordered to be destroyed or otherwise disposed of is in or on any premises, the peace officer or designated officer may enter the premises and search for and impound the animal in accordance with Section 378 of *The Municipalities Act*.

Charges May Be Added to Property Taxes

31. (1) If a person owes the Village for costs incurred by the Village with respect to a dangerous animal, the Village may add the amount owing to the tax roll of any parcel of land for which the person is the assessed person as per Section 369(2)(c) of *The Municipalities Act*

(2) If an amount is added to the tax roll of a parcel of land pursuant to subsection (1), the amount:

- (a) is deemed for all purposes to be a tax imposed pursuant to *The Municipalities Act* from the date it was added to the tax roll; and
- (b) forms a lien against the parcel of land in favour of the Village from the date it was added to the tax roll.

Quarantine of Animal

32. 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)

Service of Orders

33. (1) Except where otherwise provided in this Bylaw, any notice, order or other document required by this Bylaw to be given or served may be served:

- (a) personally;
- (b) by registered mail to the last known address of the person being served;
- (c) by hand delivering a copy of the notice, order or document to the last known address of the person being served; or
- (d) by posting a copy of the notice, order or document at the land, building or structure or on a vehicle to which the notice, order or document relates.

(2) A notice, order or document served in accordance with clause (1)(b) is deemed to have been served on the fifth day after the date of its mailing.

(3) A notice, order or document served in accordance with clause (1)(c) or (d) is deemed to have been served on the day after the date of its delivery of posting.

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(4) If service cannot be effected in accordance with subsection (1):
(a) the notice, order or other document may be served by publishing it in two (2) issues of a newspaper circulating in the Village; and the second publication must appear at least three days before any action is taken with respect to the matter to which the notice, order or document relates.

Repeal of Former Bylaw

34. Bylaw No. 10-2002 passed on the 11th day of September, 2002 and all amendments thereto are hereby repealed.

Effective Date of Bylaw

35. This Bylaw shall come into force and take effect on the final day of its passing.

(seal)

Ray Miller
Mayor

Angela Tlykhill
Administrator

Introduced and read a first time this 10th day of April, 2007.

Read a second time this 10th day of April, 2007.

Read a third time and adopted this 10th day of April, 2007.

(seal)

Certified a true copy of Bylaw No. 18-2007
adopted by resolution of Council this 10th day
of April, A.D., 2007.

Ray Miller
Mayor

Angela Tlykhill
Administrator