

BYLAW NO.1-2007

MUNICIPAL ACT

Section 8 (1) (k)

A BYLAW OF THE VILLAGE OF THEODORE, KNOWN AS THE ANIMAL CONTROL BYLAW.

THE COUNCIL OF THE VILLAGE OF THEODORE IN THE PROVINCE OF SASKATCHEWAN ENACTS AS FOLLOWS:

1. This Bylaw shall apply within the boundaries of the Village of Theodore.
2. In this Bylaw unless the context otherwise requires, the following definitions apply:
 - a. **“Dog”** shall mean and include every dog of either sex, or neutered, over the age of four (4) months.
 - b. **“Owner”** (i) shall mean any person who owns or harbours or keeps or allows any dog to remain about his house, home, place of residence or premises. (ii) The person responsible for the custody of a minor where the minor is the owner of an animal.
 - c. **“Municipality”** shall mean Village of Theodore.
 - d. **“Bylaw Enforcement Officer”** shall mean corporation, person or persons engaged by the Village of Theodore for the purposes of checking for licences, capturing and impounding dogs under the provisions of this bylaw and shall include the term “Pound-keeper”.
 - e. **“Running at Large”** shall mean off the premises of the owner and not on a leash and/or not in the immediate and continuous effective control of a competent person. In the case of animals on a leash, the leash shall not exceed 2 meters in length.
 - f. **“Licence Inspector”** shall mean the employee or employees of the Village of Theodore responsible for issuing dog licences and tags.
 - g. **“Dangerous Dog”** shall mean:
 - i. Any dog whatever its age with a known propensity, tendency or disposition to attack without provocation, other domestic animals or humans; or
 - ii. Any dog which has bitten or attacked another domestic animal or human, without provocation; or
 - iii. Any dog which has been raised or trained for the purpose of fighting dogs or other domestic animals; or
 - h. **“Restricted Dog”** shall mean:
 - i. A Pit Bull Terrier, American Pit Bull Terrier, Pit Bull, Staffordshire, Bull Terrier, American Staffordshire Terrier,

Doberman Pinscher, Rottweiler, or any dog of mixed breeding and/or type which includes any of the aforementioned breeds which can be identified through its physical characteristics by a Veterinarian licenced to practice in Saskatchewan.

- 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 premises(s).
 - iii. Any dog that has been declared a restricted dog pursuant to Section 17.
- i. **“Non-restricted Dog”** shall mean:
- i. Any dog over the age of four (4) months not included in 2 (g) & (h).
 - ii. Any dog, which is a bona-fide, seeing-eye dog possessed and used by a visually impaired person to assist them.
3. No person shall keep or possess or harbour a dangerous dog within the boundaries of the Village of Theodore with the exception of the animal being brought in for veterinary purposes and left in their control
- 4.
- a. Every owner of a dog shall, not later than the 1st day of February in each year, obtain an appropriate License for the dog from the Licence Inspector of the Village of Theodore and failure to do so shall constitute an offence under this bylaw. No dog licence issued by the Village of Theodore in respect of a particular dog shall be transferable to any other dog.
 - b. When applying for a licence, the applicant shall provide the Licence Inspector with the breed, physical description, size and other relevant information required by the Licence Inspector with respect to the dog for which the licence is sought and shall provide the name and address of the owner of the dog or the owner’s guardian.
 - c. Every owner or harbourer of a dog, when applying for a licence tag, shall provide the municipality with a Certificate of a Veterinary Surgeon indicating that the dog has been vaccinated against Rabies within two (2) years of the application for a Licence tag.
 - d. The Licence Tag shall be in the form and bear such lettering or numerals as may be decided by the municipality.
 - e. The Licence Tag shall be in effect from January 1st to December 31st of a calendar year.
 - f. The annual fee for a dog licence shall be as set out in Schedule “A” attached hereto and which may be amended from time to time by resolution of Council.

- g. In any proceedings before a Provincial Court Judge under the provisions of this bylaw, ownership of a dog shall be prima facie established by submission to the Provincial Court a certificate of the Bylaw Enforcement Officer stating on information and belief as to who is the owner of the dog and upon receipt of such certificate by the Provincial Court the onus shall shift to the alleged owner to show that he or she is not the owner of the dog.
- 5. Every owner to whom a dog licence has been issued under this bylaw shall cause the dog to wear a collar to which shall be attached the licence tag issued by the Village of Theodore pursuant to this bylaw. No person other than the owner of the dog licenced under this bylaw shall remove its collar or tag and to do so shall be an offence under this bylaw.
- 6. Every owner of a dog within the municipality shall on demand by the Licence Inspector, Dog Catcher, Pound Keeper, or Peace Officer or Enforcement Officer produce and show to the individual making the demand his/her licence certificate and/or licence tag as proof that his/her dog has a current licence and failure to do so shall be an offence under this bylaw.
- 7.
 - a. Except for dogs specified in 7(b) below, no person shall possess or harbour more than two (2) dogs over the age of 4 months within the limits of the Village of Theodore. The maximum number of dogs allowed per household is two (2).
 - b. Notwithstanding Section 2 hereof, the owner or operator of a kennel of purebred dogs which is listed in the Registry of a recognized Kennel Club, may in lieu of procuring a Licence Tag for each dog as herein before required, pay to the municipality the sum of Forty (\$40.00) Dollars, as a Licence fee for all registered purebred dogs in such kennel for the current year, for which four (4) Licence tags shall be issued. Provided that in applying for a Licence for such kennel, the person making the application shall produce a Certificate from the keeper of the register of such club, or a certified extract from such register, showing that all the dogs composing such kennel have been registered.
- 8. A dog, which used as a guide or “seeing eye” dog by a blind person, shall be licenced, provided that said Licence Tag shall be issued without payment of the prescribed fee, with proof of duty.
- 9.
 - a. The owner of a dog shall not at any time allow the dog to run at large within the village of Theodore and any owner who permits such running at large shall be deemed to be committing an offence under this bylaw and upon summary conviction shall be subject to the penalties set out in Schedule “B” hereto.

- b. The owner of a dog shall not at any time allow the dog to encroach on any private property other than his/her own and any owner who permits such action shall be deemed to be committing an offence under this bylaw.
- 10. It shall be the duty of the Bylaw Enforcement Officer and such other person as designated by the municipality, to capture all dogs running at large contrary to the provisions of this Bylaw whether or not such dog is wearing a collar with a tag attached thereto, and to confine such dog in the Dog Pound operated and maintained by the village, or any other person or organization operating and maintaining such pound on behalf of the municipality.
- 11.
 - a. All dogs impounded in the dog pound shall be confined therein for a period of 72 hours from the time of capture (Sundays and statutory holidays shall not be included in the 72 hour period), during which time the owner or keeper thereof shall have the right to repossess the said dog upon paying to the pound keeper or licence inspector the amount as set forth in Schedule "C" in this bylaw, which schedule may from time to time be amended by resolution of Council.
 - b. No unlicensed dog, which is impounded, shall be released to its owner or keeper or to any other person until the appropriate pound fee is paid and a licence has been purchased for it.
- 12. Where the dog impounded is wearing a collar to which is attached a licence tag valid for the current year, the pound keeper or licence inspector shall immediately send written notice to the owner to the address shown on the records made when the licence was purchased, and no liability whatsoever, shall be attached to the Village of Theodore, the licence inspector or the pound keeper by reason of the failure of the owner to receive such notice.
- 13. All impounded dogs which have not been claimed or redeemed by the owner or keeper within 72 hours as aforesaid, shall be sold, permanently moved from the municipality, or disposed of by a registered veterinarian in a humane manner. The dog catcher or pound keeper shall keep adequate monthly reports which can annually be summarized and presented to Council in which gives adequate information on all dogs picked up, impounded and of their disposition.
- 14. It shall be the duty of the pound keeper or dogcatcher to provide each dog impounded under the authority of the Bylaw an adequate supply of food and fresh water during its confinement in the pound.
- 15. When the owner of any dog which is impounded for failure to have a tag, and for no other reason, has applied to the Licence Inspector to obtain the said dog out of the pound before the dog has been sold or disposed of, as provided in the bylaw,

no fee shall be charged if the owner can satisfy the Licence inspector that the collar and tag for the current year has been lost or stolen.

16.

- a. The owner of a dog shall not allow the animal to create a nuisance to any person barking, howling, attempting to bite or biting anyone, chasing vehicles or bicycles and any owner who contravenes this section commits an offence under this bylaw.
- b. A Provincial Court Judge, upon being satisfied by affidavit that any dog is causing a nuisance as described in paragraph (a) preceding, shall direct a Peace Officer to give notice to the owner of the dog to cause the nuisance complained of to be abated so as to prevent its reoccurrence of any such nuisance and if such nuisance continued, then in addition to any penalty imposed in Schedule "B" hereof, the Provincial Court Judge may order the dog destroyed without further notice to the owner.

17.

- a. If upon information or complaint, it is alleged that a restricted dog has bitten or attempted to bite any person or domestic animal, without provocation, the Provincial Court Judge having cognizance of such complaint shall, upon proof of the complaint, in the case of a restricted dog order the dog destroyed in addition to any penalties set out in Schedule "B" hereto.
- b. If, upon information or complaint, it is alleged that a non-restricted dog has bitten or attempted to bit any person or domestic animal without provocation, the Provincial Court Judge having cognizance of such complaint, shall, upon proof of the complaint, declare the dog to be a restricted dog and order the owner of the dog complained of to keep the said dog under proper control in addition to any penalties set out in Schedule "B" hereof and if there had been more than one complaint respecting the dog in the twelve months preceding, may order the dog destroyed.
- c. In the event the owner of a dog referred to in paragraphs 17 (a) and 17 (b) is not known or fails to appear in Court the Provincial Court Judge shall order the dog destroyed.

18. When a dog has bitten a person, and/or is suspected of being rabid, or has been in contact with a rabid animal, the Medical Health Officer and the Health of Animals Branch, Canada Department of Agriculture shall be notified immediately. Where such department personnel are not available; the report shall be made to the local Veterinarian or an officer of the RCMP.

RESTRICTED DOG ENCLOSURES

19.

- a. The enclosure shall be constructed of wood or any other building material of sufficient strength and in a manner adequate to:
 - i. Confine the animal; and
 - ii. Prevent the entry of children of tender years;
- b. 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;
- c. The enclosure shall be at least 3 meters in length, 1.5 meters in width and 1.8 meters in height;
- d. The enclosure shall have a top secured to the sides of the enclosure;
- e. The enclosure shall:
 - i. Have a floor secured to the sides of the enclosure; or
 - ii. The sides of the enclosure shall be embedded in the ground to a depth of at least .6 meters.
- f. The enclosure shall:
 - i. Provide protection from the elements for the animal;
 - ii. Provide adequate light and ventilation for the animal; and
 - iii. Be kept in a sanitary and clean condition.

LIABILITY INSURANCE – RESTRICTED DOGS

20.

- a. An owner shall maintain in force a policy of liability insurance in a form satisfactory to the Village's Enforcement officer providing third party liability coverage in a minimum amount of \$500,000.00 for injuries caused by the owner's restricted dog.
- b. The liability policy shall contain a provision requiring the insurer to immediately notify the Village in writing should the policy expire or be cancelled or terminated.
- c. The owner must provide proof that a valid liability insurance policy is in force before he/she may obtain a restricted dog license.

LITTER CLEANUP

21. If a dog defecates on any public or private property other than the property of its owner, the owner of the dog shall cause such defecation to be removed immediately.
22.
 - a. An owner or occupant of private property must not allow animal feces to accumulate on the property so as to create a health hazard.
 - b. If requested to do so by a Bylaw Enforcement officer or a public health inspector, an owner or occupant of private property must remove all animal feces from the property within 72 hours of the time the request is made.
 - c. If a request under section 22 (a) is made to an occupant of private property a copy of the request shall also be sent by certified mail to the owner of the property to the mailing address shown on the last revised assessment roll of the municipality.
23. Bylaw No. 2-77 passed on the 25th day of May 1977 and all amendments thereto are hereby repealed.
24. This bylaw shall come into force and take effect on the day of final passing thereof.

Read three times by unanimous consent
and adopted at a regular meeting of
Council held on the _____ day
of _____ 2007.

CERTIFIED A TRUE COPY of Bylaw
No.1-2007 passed on the _____
day of _____ 2007.

Administrator

Mayor

SEAL

BYLAW NO.1-2007

SCHEDULE “A”

Licence Fees

NON-RESTRICTED DOGS

- 1. Male or Female \$25.00
- 2. Guide/Seeing Eye Dog No Charge
- 3. Replacement Tag \$5.00

RESTRICTED DOGS

- 1. Male or Female \$100.00
- 2. Guide/Seeing Eye Dog No Charge
- 3. Replacement Tag \$5.00

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SCHEDULE “B”

Penalties

AMOUNTS IN LIEU OF PROSECUTION

Amounts which will be accepted by the Village of Theodore in lieu of prosecution.

1.
 - a. In the event of a breach of Section 3 an order directing them to deliver up the dog to the agent of the Village of Theodore for destruction and a fine of \$250.00.
 - b. Failure to obtain and keep in force a restricted dog licence, a fine of \$250.00.
 - c. Failure to maintain in force a policy of liability insurance as required pursuant to Section 20 (a), (b) & (c) a fine of \$250.00
 - d. Failure to obtain and keep in force a non-restricted dog licence a fine of \$150.00.
 - e. Failure to confine a restricted dog when on the owner’s premises in accordance with the bylaw, a fine of \$250.00.
 - f. Failure to muzzle and secure a restricted dog when off the owners premises, a fine of \$250.00.
 - g. Permitting a non-restricted dog to run at large, a fine of \$150.00
 - h. Misrepresenting the breed of the dog when making an application for a licence, a fine of \$50.00.
 - i. Failure to ensure that a collar and tag are worn when a dog is off the premises of the owner a fine of \$50.00.
 - j. Failure to immediately remove a dog’s excrement (defecation) from public or private property other than the property of the dog’s owner a fine of \$50.00.
 - k. For allowing animal feces to accumulate on private property a fine of \$50.00.
 - l. A dog found on public playgrounds a fine of \$50.00.
 - m. A dog creating a nuisance by barking or howling (section 16 (a)) a fine of \$50.00.

- n. Failure to obey order of public health inspector or enforcement officer a fine of \$50.00.
- o. Exceeding maximum number of dogs allowed (sections 7 (a) and 7 (b) a fine of \$100.00.
- p. Failure to vaccinate dog pursuant to (section 4 (c)) a fine of \$50.00.
- q. Interference with enforcement a fine of \$100.00.

Subsequent offences, committed within twelve (12) months of the first offence penalty is double the above schedule.

- 2. Where any person has committed or is alleged to have committed a breach of the Sections of this bylaw specified in subsection (a) of Section 4 and subsections (a) and (b) of Section 9, upon being served with a Notice of Violation may voluntarily pay to the Administrator of the Village of Theodore the above within ten (10) days of the issuance of the Notice of Violation and upon payments so provided, that person shall not be liable to prosecution of that offence.
- 3. The Notice of Violation shall be in Form “1” attached hereto and forming part of this bylaw.
- 4. Every person who commits an offence under this bylaw where a specific penalty for that offence is not set out shall be subject to a fine of not less than \$50.00 nor more than \$500.00 upon summary conviction.
- 5. Conviction of a person for a contravention of any provision of this bylaw does not relieve that person from compliance with the bylaw and the conviction Judge or Justice of the Peace shall in addition to any fine imposed, order the person to perform within a specified period, any act or work necessary for the property compliance with the bylaw or to remedy the contravention of the bylaw.

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SCHEDULE “C”

Impounding Fees

1. Impounding fees \$25.00 per day or part thereof plus applicable taxes.

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Form “1”

Village of Theodore

Notice of Violation

NO. _____

NAME: _____

ADDRESS: _____

DATE: _____ TIME: _____ PM/AM

LICENCE NO: _____

DESCRIPTION OF VIOLATION: _____

DESCRIPTION OF DOG: _____

_____ MALE/FEMALE

You are charged with violation of Bylaw No.: _____

Section: _____

Penalty for the above violation: _____

Issuer

You may make voluntary payment of the above penalty at the Village of Theodore
municipal office, during regular office hours, any day except public holidays, Saturdays

and Sundays, or by mail, cheque or money order only, within 10 days from the date of service of this Notice of Violation, notice to accompany payment.

* If penalty indicated is not received by _____, a summons requiring your appearance in Provincial Court will be issued.