

VILLAGE OF VANSCOY
BYLAW 4-14

BYLAW TO CONTROL ANIMALS IN THE VILLAGE

Council of the Village of Vanscoy, in the Province of Saskatchewan, enact as follows:

Purpose

1. 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 Vanscoy and to ensure the humane treatment of dogs by regulating and prohibiting the keeping of dangerous dogs in the Village

Authority

2. The authority for the Bylaw is the Municipalities Act, in particular sections 374 through 380

Definitions

3. In this bylaw:
 - a. Animal protection officer means
 - i. a Village bylaw enforcement officer
 - ii. a member of the RCMP or
 - iii. any person appointed by Council to enforce this bylaw
 - b. Village means the Village of Vanscoy
 - c. Judge means a judge of the Provincial Court of Saskatchewan or a Justice of the Peace
 - d. Owner includes:
 - i. A person who keeps, possesses or harbors a dog to which the bylaw applies
 - ii. The person responsible for the custody of a minor where the minor is the owner of a dog to which this bylaw applies
 - e. Provocation means an act done intentionally for the purpose of provoking a dog to which this bylaw applies
 - f. Registered Dog means:
 - i. pit bull terrier, American pit bull terrier, Staffordshire bull terrier, bull terrier, American Staffordshire terrier, Doberman pinscher, Rottweiler, Rhodesian ridgeback, wolf hound, wolf cross, coyote cross, bulldog, bull mastiff or any dog of mixed breeding which includes any of the aforementioned breeds (which can be identified through its physical characteristics) or a dog declared dangerous under Section 375 of 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
 - g. Running at Large means when the dog is beyond the boundaries of the land occupied by the owner, possessor, harbinger or keeper of the dog and is not under control by being:
 - i. On a leash or harness and in direct and continuous charge of a person competent to control it, or
 - ii. Securely confined within an enclosure
 - iii. Securely fastened so that it cannot roam at will

Application

4. This bylaw shall apply to domestic dogs in the Village

Dangerous Dogs

5. A dog is dangerous where it is proven that:
 - a. The dog, without provocation, in a vicious or menacing manner, chased or approached a person or domestic animal in an apparent attitude of attack
 - b. The dog 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 dog has, without provocation, bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal
 - d. The dog is owned primarily or in part for the purpose of fighting or is trailed for fighting
- For the purposes of this section, a dog is presumed not to have been provoked, in the absence of evidence to the contrary

Restricted Dogs

6. Requirements for obtaining and maintaining a registration for a restricted dog are as follows:
 - a. An owner of a restricted dog 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 owner's restricted dog. The owner shall provide a photocopy of the said liability insurance policy to the Village Office when applying for a restricted dog registration
 - b. Within one month after the passage of this bylaw, the owner of a restricted dog shall provide the Village Office with a photocopy of the said liability policy before he or she may register a restricted dog
 - c. 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 sixteen (16) years of age, or confined in a securely enclosed and locked pen or other structure built to prevent the escape of the restricted dog and capable of preventing the entry of young children
 - d. Such pen or enclosure shall have secure sides and top and if the bottom is not secured to the sides, the sides must be embedded in the ground to a minimum depth of one (1) foot. If the dog shows a propensity for trying to escape from the pen or enclosure by digging, the enclosure or pen shall be constructed so as to prevent this
 - e. When the restricted dog is off the premises of the owner, the owner shall securely muzzle such dog and either harness it or leash it securely to effectively prevent it from attacking and injuring any person or domestic animal and ensure that it is under the complete control of a competent person
 - f. The owner shall display a sign on his or her property warning of the presence of the dog. Example – "BEWARE OF DOG"

Registering

7.
 - a. Every owner of a dog shall cause each animal to be registered with the Village. At the time of registering, the applicant shall complete an Application for Registration as set out in Appendix 4, and provide a description of the dog, age and breed as well as the name, address and contact information of the owner
 - b. the registration year shall be January 1 to December 31
 - c. a person residing in the Village who owns, harbors, keeps or possesses a dog and neglects or refuses to register or pay an applicable registration fees shall be subject to the penalties as outlined in Appendix 2

- d. the owner shall ensure the dog wears a collar to which is attached a valid license tag whenever the dog is off the premises of the owner

Exemption

8. No dog shall be considered dangerous where an action occurred while the dog was:
 - a. Acting in performance of police work
 - b. Working as a guard dog on commercial property;
 - i. Securely enclosed on the 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 is committing an offense

Nuisance

9. a. the owner of a dog shall not allow the animal to create a nuisance to any person by excessive barking, howling or otherwise making disruptive noise, attempting to bite a person or domestic animal, chasing vehicles or bicycles or causing damage to any property
- b. the owner of a dog who fails to restrain and remove the animal upon it becoming a nuisance is guilty of an offense

Dangerous Dog Hearings

10. (1) if a complaint is made that a dog is dangerous, a judge shall hold a hearing to determine if, based upon the evidence produced at the hearing, the dog is, in fact, dangerous
- (2) Notice of the hearing referred to in subsection (1) shall be served upon the owner of the dog. The notice shall be served:
 - a. in the case of an owner who is an individual:
 - i. by delivering it personally to the owner or
 - ii. if the owner cannot conveniently be found, by leaving it for the owner at his residence with a person who appears to be at least 18 years of age
 - b. in the case of an owner that is a corporation:
 - i. by sending it by registered mail to the office of the corporation
 - ii. by delivering it personally
- (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 to 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 dog is dangerous, the judge shall make an order including all of the following terms:
 - a. if the owner removes the dog from the owner's property, the owner shall muzzle and leash it in accordance with the criteria set out in Section 18 and keep it under direct control and supervision
 - b. the owner shall report the sale or other disposition of the dog to a designated officer appointed
 - c. where the dog is moved to a different Village or municipality, the owner shall notify the clerk of that municipality
 - d. where the dog is to be sold or given away, the owner shall notify any prospective owner that the dog has been declared dangerous, before it is sold or given away; and notify a designated officer appointed of the name, address and phone number of any new owner of the dog
 - e. if the dog is unlicensed, the owner shall, at his expense and within ten days of the date of the order, purchase the required license for the dog
 - f. the owner shall have the dog identified by either microchip or tattoo
- (5) an order pursuant to Subsection (4) may also include any or all of the following terms:
 - a. the owner shall keep the dog in an enclosure which complies with the criteria set out in Section 19
 - b. the owner shall obtain and keep in effect liability insurance in the amount of not less than \$500 000 for any bodily injury to or death of any person or domestic

not less than \$500,000 for any bodily injury to or death of any person or domestic animal, or for damage to property, caused by the dog

c. the owner shall display a sign on the owner's property warning of the presence of the dog and shall continue to display that sign in good condition so long as the dog is present on the property

d. the owner shall have the dog 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 dog be destroyed or otherwise disposed of at the owner's 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 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 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 owner's financial circumstances

(9) a person desiring an appeal 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 Part XXVII of the Criminal Code apply with any necessary modification

(10) notwithstanding Section 7(1), the Village of Vanscoy may desire to send as Notice of Violation and levy penalties as set out in Council policies and section 8 of this bylaw before resorting to formal charges and a hearing

Offences and Penalties

11. (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 offense

(2) Any person who displays a prescribed sign warning of the presence of a dangerous dog and who is not acting in accordance with an order made pursuant to subsection 10(5) 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 subsection 10(4), (5) or (6) is guilty of an offense

(4) Any person who owns a dog that, without provocation, attacks, assaults, wounds, bites, injures or kills a person or domestic animal, is guilty of an offense

(5) A person who is guilty of an offense pursuant to this section is liable on summary conviction:

a. in the case of an individual to a fine not exceeding \$10,000 or imprisonment for not more than one year, or both

b. in the case of a corporation, to a fine of not more than \$25,000, or imprisonment of the directors of the corporation for not more than one year, or both

(6) In addition to imposing the penalty under subsection (5), the convicting judge shall make an order including the requirements of subsection 7(4)

Order Binds Subsequent Owner

12. An order issued pursuant to section 10 continues to apply if the dog is sold or given to a new owner or is moved to a different municipality

Execution of Destruction Order

13. (1) Unless the owner otherwise agrees, every order for destruction of a dog shall state that it shall not be implemented for eight days

(2) where an appeal is taken against an order for the destruction of a dog, 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 dog pending the hearing

Return of Dog

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

Destruction By Peace Officers

15. (1) a peace officer as defined by the Criminal Code may destroy any dog 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 a dog pursuant to subsection (1) is not liable to the owner for the value of the dog

Entry and Search

16. If a peace officer as defined by the Criminal Code or a designated officer has reasonable grounds to believe that a dog 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 dog in accordance with Section 378 of the Municipalities Act

Charges may be Added to Property Taxes

17. (1) if a person owes the village for cost incurred by the Village with respect to a dangerous dog, the Village may add the amount owing to the tax roll of any parcel of land for which the person is the assessed person
(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 favor of the Village from the date it was added to the tax roll

Criteria for Muzzle and Leash for Dangerous Dogs

18. Where a dog that has been declared dangerous pursuant to section 5 is removed from the owner's property, the dog shall be equipped with a muzzle and be secured by a leash in accordance with the following criteria:
 - a. The dog shall be fitted with a collar or harness for the body that is properly placed and fitted on the dog
 - b. The movement of the dog shall be controlled by a person by means of a leash attached to the collar or harness of the dog
 - c. The leash shall not exceed 1.2 meters in length and shall be constructed of a material having a tensile strength of at least 140 kilograms
 - d. The muzzle on the dog shall be properly fitted on the dog to prevent it from biting any dog or person
 - e. The muzzle shall be fitted on the dog in a manner that it will not interfere with the vision or respiration of the dog

Enclosures for Dangerous Dogs

19. if a judge orders that a dog be kept in an enclosure, the enclosure must comply with the following criteria:
 - 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 dog 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 dog from escaping from the enclosure

- Escaping from the enclosure
- c. The enclosure shall be at least 3 meters in depth, 1.5 meters in width and 1.8 meters in height
 - d. The enclosure shall have a top secured to the sides
 - e. The enclosure shall:
 - i. Have a floor secured to the sides of the enclosure
 - ii. The sides of the enclosure shall be embedded in the ground to a depth of at least .6 meters
 - f. The enclosure shall be 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
 - g. The enclosure shall:
 - i. Provide protection from the elements for the dog
 - ii. Provide adequate light and ventilation for the dog
 - iii. Be kept in a sanitary and clean condition

Signs for Dangerous Dogs

- 20. a. Where an animal has been declared dangerous, the owner shall, within ten days of registering the animal, display a sign on his premises warning of the presence of the animal b. A sign required shall be placed at each entrance to the premises where the animal is kept and on the enclosure in which the animal is confined.

Penalty

- 21. a. Where any person has committed or is alleged to have committed a breach of any of the provisions of this bylaw, a ticket in the form designated Appendix 3, attached to and forming part of this bylaw may be served on such person by the bylaw enforcement officer or Village employee
- b. a person who contravenes any provision of this bylaw, upon being served with a ticket may voluntarily pay the prescribed penalty at the Village Office
- c. if the Village received voluntary payment of the prescribed penalty within seven days from the date the ticket was issued, the person receiving the ticket shall not be liable for prosecution for the offense
- d. 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 offense

Coming into Force

- 22. This bylaw shall come into force on the day of its final passing

Seal

Mayor

—

Administrator

Certified true copy of Bylaw _____

Adopted this ___ day of _____, 2014

VILLAGE OF VANSCOY
BYLAW 4-14

APPENDIX 1

Annual Registration Fee -	\$30
Annual Registration Fee if renewed in January	\$15

APPENDIX 2

Offense	1 st	2 nd
1. Running at large	\$100	\$200
2. Unlicensed animal	\$100	\$200
3. Dog creating a nuisance	\$100	\$200
4. Failure to remove defecation	\$75	\$150
Restricted Dog Offense		
1. Failure to confine in proper enclosure	\$250	\$500
2. Failure to muzzle and harness	\$250	\$500

Appendix 3

Notice of Violation
Village of Vanscoy

Name of Violator _____
Address _____
Date Issued _____ Time _____
Violation _____ Bylaw # _____
Description of Violation _____

Location of Violation _____

