

TOWN OF SPRINGSIDE

BYLAW NO. 1:1999

**A BYLAW OF THE TOWN OF SPRINGSIDE TO PROVIDE FOR THE LICENSING AND CONTROLLING OF DOGS AND CATS AND TO SUPPLEMENT THE PROVISION OF THE URBAN MUNICIPALITY ACT, 1984 REGARDING DANGEROUS DOGS.**

The Council in the Town of Springside in the Province of Saskatchewan enacts as follows;

Title

1. This Bylaw may be referred to as "The Dog and Cat Control Bylaw."

Definitions

2. In this bylaw unless the context otherwise requires:

- (a) "Cat" means either male or female cat of the Family Felis Domestica.
- (b) "Council" means the Council of the Town of Springside.
- (c) "Dog" means either male or female of the Family Canidae.
- (d) "Dangerous Dog" shall mean:
  - i) Any dog whatever its age with a know 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
  - iv) For the purposes of proceedings pursuant to this section a dog is presumed not to have been provoked in the absence of evidence to the contrary.
- (e) "Enforcement Officer" means the Enforcement Officer appointed by the Council of the Town of Springside to enforce the provisions of this bylaw, or any person authorized to act in his behalf.
- (f) "Owner" includes;
  - i) A person, persons, partnership, association or corporation who keeps, possesses, harbors; or has care of or control of a dog or cat;
  - ii) The person responsible for the custody of a minor where the minor is the owner of dog or cat;but does not include:
  - iii) A veterinarian registered pursuant to The Veterinarians Act, 1987 who is keeping or harboring a dog or cat for the preservation, diagnosis or treatment of a disease or an injury to the cat or dog;
- (g) "Pound" means such premises and facilities as may be designated by the Town, from time to time, as the pound;
- (h) "Poundkeeper" means a person, persons, or associations designated by the Town from time to time to maintain and administer the pound;
- (i) "Running at Large" means off the premises and boundaries of the land occupied by the owner, possessor or harbinger or beyond the boundaries of any lands where the dog or cat may be with the permission of the owner or occupier of the lands and is not under control by being tied or secured to a leash or chain or other similar restraining device not exceeding two meters in length;

PART 1: CARE, CONTROL AND LICENSING

3. LICENSING

- (a) The License year for dogs and cats shall be from January 1 to December 31 of the same year;
- (b) Every owner of a dog or cat three months old or older shall, not later than the 1st day of February in each year, or within 10 days after becoming owner of a dog or cat, obtain a license for the dog or cat from the Town. The license shall not be transferable to any other dog or cat or other owner. The onus of proof as to the exact date when the owner became the owner of the dog or cat shall be on the owner.

3. LICENSING CONT'D

- (c) When applying for a license under this section, the applicant shall provide the Town with a description of the dog or cat, the name and address of the owner, and any other relevant information which may be required by the Town.
- (d) When issuing a license for a dog or cat, the Town shall supply the applicant with a tag, the form which and lettering or numerals inscribed or imprinted thereon as may be determined by the Town and a receipt for payment of the license, and the owner shall attach the tag to the collar to be worn around the neck of the dog or cat.
- (e) The annual license fee shall be the fees set out in Schedule "A" of this Bylaw, provided that where a dog has been declared to be a dangerous dog under section 135.2(i) of The Urban Municipality Act, 1984, the annual license fee shall be \$200.00.
- (f) A dog which is used as a guide or "seeing eye" dog by a blind person shall be licensed with the Town and the Town shall issue the license without the prescribed fee.
- (g) In the event that a tag is lost or destroyed, a duplicate will be issued by the Town upon presentation by the owner of a receipt showing payment of the license fee for the current license year and upon payment of the sum of \$5.00 for the issuance of the duplicate.
- (h) The provisions of this section shall not apply to dogs and cats kept, in the ordinary course of business by the proprietors of the following premises namely:
  - i) a veterinary hospital, clinic, boarding kennel, or grooming parlor;
  - ii) a public pound;
  - iii) a shop whose business includes the sale of pets and is licensed as such;
  - iv) a shelter operated by an association or society incorporated for the purpose of the protection and humane treatment of animals;
- (i) The owner or possessor of a kennel whose kennel name is registered in the register of the Canadian Kennel Club may in lieu of procuring a license for the sum of \$50.00 as the license fee for all dogs in such kennel. Such license shall cover all the registered dogs composing such kennel for the year in which such fee is paid. In applying for a license for such kennel, the person making the application must produce a certificate from the Canadian Kennel Club showing that such kennel has been registered. In all other respects the owner of such kennel shall comply with the provisions of this Bylaw.
- (j) The owner of a dog or cat shall ensure that the dog or cat wears a collar to which is attached a current license tag whenever the dog or cat is off the premises of the owner, provided that this provision shall not apply while a dog or cat is participating in a recognized show, obedience trial or field trial.

4. RUNNING AT LARGE

- (a) No owner of a dog or cat shall permit his dog or cat to run at large in the Town of Springside.
- (b) When a dog or cat is found running at large, its owner shall be deemed to have failed or refused to comply with the requirements of the previous subsection.

5. SEIZURE AND IMPOUNDING

- (a) An Enforcement Officer, Poundkeeper, or Peace Officer may seize and impound any dog or cat running at large.
- (b) An Enforcement Officer, Poundkeeper, or Peace Officer may enter onto the land surrounding any building in pursuit of any dog or cat which has been observed running at large.
- (c) Any dog or cat found running at large contrary to the provisions of this Bylaw may be taken by any person to the dog and cat pound provided by the Municipality.
- (d) No person, whether or not he is the owner of a dog or cat which is being or has been pursued or seized shall:
  - i) interfere with or attempt to obstruct a Poundkeeper, Enforcement Officer, or Peace Officer who is attempting to seize or has seized any dog or cat in accordance with the provisions of this Bylaw.

5. SEIZURE AND IMPOUNDING CONT'D

- ii) unlock or unlatch or otherwise open the van or vehicle in which dogs or cats seized under this bylaw have been placed, so as to allow or attempt to allow any dog or cat to escape therefrom.
- iii) remove or attempt to remove any dog or cat from the possession of the Poundkeeper, Enforcement Officer, or Peace Officer.
- (e) The Poundkeeper shall keep all impounded dogs and cats for a period of at least 72 hours, excluding the day of impounding. Sundays and statutory holidays shall not be included in the 72 hour period. During this period the owner may reclaim the dog or cat from the pound upon payment to the Poundkeeper of the fees set out in Schedule "B" of this Bylaw.
- (f) No unlicensed dog or cat which is impounded shall be released to its owner or to any other person until a license has been purchased for it.
- (g) Where the dog or cat impounded is wearing a collar to which is attached a license tag valid for the current year, the Poundkeeper or the Enforcement Officer, shall immediately contact the owner by telephone, and if no response within four hours, serve personal written notice to the owner at the address shown in the records made when the license was purchased. No liability whatsoever shall attach to the Town, the Enforcement Officer or the Poundkeeper by reason of the failure of the owner to receive such notice.
- (h) Where a dog or cat has not been reclaimed within the period set out in Subsection (e) hereof, or where the owner of a dog or cat has failed or refused to comply, within said period, with the conditions set out in Subsections (e) and (f) hereof, the Poundkeeper may sell or destroy the dog or cat or give the dog or cat to the Society for the Prevention of Cruelty to Animals.

6. LITTER

- (a) If a dog or cat defecates on any public or private property other than the property of its owner, the owner of the dog or cat shall cause such defecation to be removed immediately and disposed of in a sanitary fashion. Failure to cause such removal shall be a breach of this Bylaw.

7. NUISANCE

- (a) No owner of a dog or cat shall permit the dog or cat to create a disturbance by ululating. For the purpose of this section a dog or cat is creating disturbance if its ululating can be easily heard by a person not situated on the property where the dog or cat is.
- (b) On a complaint made in writing to the Enforcement Officer that any dog or cat has been causing a disturbance, the Enforcement Officer, upon being satisfied of the truth of the complaint, may notify the owner of such dog or cat to abate the nuisance within 48 hours after receipt of the notice. The notice shall be in writing and shall be served personally upon the owner or left with some adult person at the residence of the owner. Failure to comply with the terms of the notice shall be a breach of this Bylaw.
- (c) Upon receiving a second or subsequent complaint within 30 days after the expiry of the 48 hour period set out in a notice under subsection (b), the Enforcement Officer may order the owner to destroy the dog or cat, remove the dog or cat from the Town or deliver the dog or cat to the Enforcement Officer within 48 hours after receipt of the notice. Such notice shall be provided in the manner set out in subsection (b). In the event that the notice requires the dog or cat to be delivered up to the Enforcement Officer and the dog or cat is not so delivered, the Enforcement Officer may enter on the property of the owner for the purpose of removing such dog or cat.
- (d) The owner of a female dog or cat in heat shall keep such dog or cat confined to a house or kennel.

8. RABIES AND OTHER DISEASE

- (a) In the case of emergency for any cause, but more particularly for infectious disease, the Medical Health Officer is authorized to order that no owner shall suffer permit his dog or cat to be on any place beyond or outside the boundary of the place of residence of the owner at any time, whether on a leash or under proper control, until such order is revoked.
- (b) The Medical Health Officer may order the compulsory inoculation of any dog or cat.
- (c) An owner of a dog or cat who neglects or refuses to comply with any order of the Medical Health Officer made under the provisions of this section shall be guilty of an infraction of this Bylaw.

9. DANGEROUS DOGS

- (a) The provisions of this section are intended to supplement the statutory provisions in The Urban Municipality Act, 1984.
- (b) The Enforcement Officer is hereby designated for the purpose of section 135.8 of The Urban Municipality Act, 1984.

10. PENALTIES

- (a) A person who contravenes a provision of Part I of this Bylaw or neglects or refused to comply therewith shall be guilty of an offense and shall be liable, upon conviction to a fine of not less than \$25.00 or more than \$200.00.
- (b) Conviction of a person for breach of any provision of this Bylaw does not relieve him from compliance with the Bylaw, and the convicting Justice of the Peace or Judge of the Provincial court may, in addition to any fine imposed, order the person to perform, within a specified period, any act or work necessary for the proper observance of this Bylaw or to remedy any breach thereof.
- (c) A person who fails within the period specified in an Order under Subsection (b) to comply with the order is guilty of an offense and liable upon summary conviction to a fine of \$200.00 for each day during which the breach continues.

PART II: RESTRICTED DOGS

11. DEFINITIONS

- (a) "Restricted Dog" means any dog, whatever its age, of the following breeds or kinds:
  - i) Pit Bull Terrier
  - ii) American Pit Bull Terrier; or
  - iii) Pit Bullor any dog of a mixed breeding, which can be identified through its physical characteristics as a dog partially of the above mentioned breeds or kinds by a veterinarian licensed to practice in Saskatchewan.

12. LICENSES

- (a) An owner shall obtain and keep in force a restricted license for his or her restricted dog.
- (b) The restricted license fee for a restricted dog shall be Two Hundred dollars (\$200.00) per year.

13. LIABILITY INSURANCE

- (a) An owner shall maintain in force a policy of liability insurance in a form satisfactory to the Town'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 Town in writing should the policy expire or be canceled or terminated.

13. LIABILITY INSURANCE CONT'D

- (c) Within 3 months after the passage of this Bylaw the owner shall provide the Enforcement Officer, proof that such liability policy is in force before he may obtain a restricted dog license.

14. CONTROL OF RESTRICTED DOG

- (a) The owner shall keep the restricted dog in an enclosure which complies with the prescribed criteria set out in the regulations as passed and amended from time to time pursuant to section 135.2 of The Urban Municipality Act, 1984.
- (b) If the owner removes the restricted dog from the enclosure, he shall muzzle and leash it in accordance with the prescribed criteria set out in the regulations as passed and amended from time to time pursuant to section 135.2 of The Urban Municipality Act, 1984.
- (c) The owner shall display a sign on his property warning of the presence of the dog and the sign shall be displayed in the form and manner set out in the regulations as passed and amended from time to time pursuant to section 135.2 of The Urban Municipality Act, 1984.
- (d) The owner shall report a sale or other disposition of the dog to the Town's Enforcement Officer.

15. PENALTIES

- (a) In addition to the fines otherwise provided in this Bylaw, persons who commit offenses under this part are subject, upon conviction to the following fines:
  - i) failure to obtain and keep in force a restricted dog license - \$500.00
  - ii) failure to maintain and keep in force a policy of liability insurance pursuant to section 13 - \$1,500.00
  - iii) failure to confine a restricted dangerous dog when on the premises of the owner in accordance with section 14 - \$500.00
  - iv) failure to muzzle a restricted dog when off the premises of the owner - \$500.00
  - v) permitting or failure to prevent a restricted dog from running at large - \$500.00
- (b) for a second offense within a six month period regardless of which offense as set forth in subsection (a), the penalty amount shall be double the amount set out in subsection (a).

16. PENALTY NOTICE

- (a) Notwithstanding sections 10 and 15 where an Enforcement Officer or Peace Officer believes that a person has contravened the provision of this Bylaw, he/she may by personal service, serve or cause to be served upon such person a notice as provided by this section.
- (b) The Notice shall be in a form similar to that provided in Schedule "C" of this bylaw and shall indicate thereon the Section of the Bylaw which was contravened and the amount of the penalty to be paid as provided in Schedule "D"
- (c) Upon production of the notice issued pursuant to subsection (a) within six (6) days from the date of service together with payment as indicated on the Notice from the Enforcement Officer, the person to whom the notice was issued shall not be liable for prosecution for the contravention in respect of which the notice was given.
- (d) If payment is not received as provided in subsection (c) hereof within the time prescribed, a summons shall be issued to the person alleged to have committed the offense and thereafter the provisions of this section shall not apply with respect to that offense.

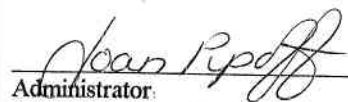
PART III: GENERAL

17. Bylaw Number 127 and Bylaw Number 96 are repealed.
18. This Bylaw shall come into force and take effect on the day of the final passing thereof.

  
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MAYOR - ERIC JONES

  
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ADMINISTRATOR - JOAN POPOFF

Certified a true copy of Bylaw No. 1-1999  
adopted by resolution of Council on the 8th  
day of March, 1999.

  
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Administrator

SEAL

