

RESORT VILLAGE OF SHIELDS

BYLAW #3/2011

A BYLAW OF THE RESORT VILLAGE OF SHIELDS TO PROVIDE FOR THE REGULATION AND CONTROL OF ANIMALS.

The Council of the Resort Village of Shields in the Province of Saskatchewan, enacts as follows:

1. This Bylaw may be cited as “The Dog Bylaw”.

2. INTERPRETATION AND APPLICATION:

In this Bylaw, unless the context otherwise requires:

- (a) “Animal” includes a dog or cat.
- (b) “Animal Control Committee” shall mean a volunteer group, which may be appointed or removed by Council from time to time, in its discretion, consisting of not more than seven (7) village property owners/residents.
- (c) “Council” means the Council for the Village.
- (d) “Enforcement Officer” means any person appointed either paid or non paid by the Council to enforce the provisions of this Bylaw.
- (e) “Justice” has the meaning as defined in The Summary Offenses Procedure Act, 1990 as amended or replaced from time to time.
- (f) “Leash” means a chain or other material, not longer than two meters in length, capable of restraining the animal on which is being used.
- (g) “Owner” shall mean a person or corporate body:
 - (i) who has legal title to the animal; or
 - (ii) who has possession or custody of the animal either temporarily or permanently; or
 - (iii) who harbors or has charge or control over the animal; or
 - (iv) who allows the animal to be on or remain on his premise; or
 - (v) The legal guardian or parent or person responsible for a person under 18 years to whom any of (i) to (iv) above apply.
- (h) “Provincial Court” means The Provincial Court of Saskatchewan.
- (i) “Running At Large” means
 - (i) an animal which is not under the control of a person responsible by means of a leash and is actually upon property other than the property in respect of which the owner of the animal has the right of occupation, or upon any highway, thoroughfare, street, road, trail, avenue, parkway, lane, alley, square, bridge, causeway, trestleway, sidewalk (including the boulevard portion of the sidewalk) park or other public place; or
 - (ii) an animal which is under the control of a person responsible by means of a leash and which causes damage to persons, property or other animals.
- (j) “Swimming Area” means any area designated as an outdoor swimming area including any decks surrounding such facility. The area may be isolated on a site or may be part of a larger park and

shall include any area within twenty (20) meters in all directions of the outside dimensions of such facility unless the park boundary is a lesser distance.

- (k) “Tot Lot” means an area on which various children’s play apparatus is located. The area may be isolated on a site or may be part of a larger park and shall include that area within twenty (20) meters in all directions from the outside dimension of any such play apparatus unless the park boundary is a lesser distance.
- (l) “Dangerous and/or Vicious Animal means any animal, whatever its age, whether on public or private property, which has
 - (i) without provocation, chased, injured or bitten any other domestic animal or human; or
 - (ii) without provocation, damaged or destroyed any public or private property; or
 - (iii) without provocation, threatened or created the reasonable apprehension of a threat to other domestic animals or humans; or
 - (iv) is owned primarily for the purpose of animal fighting or is trained for fighting; and
 - (v) which, in the opinion of a Justice, presents a threat of serious harm to other domestic animals or humans; or
 - (vi) been previously determined by a Justice to be a dangerous and/or vicious animal.
- (m) “Village” means the Resort Village of Shields.

3. RESPONSIBILITIES OF OWNERS

- (a) Every person in the municipality who owns, possesses or harbours an animal shall cause that animal to be registered with the village.
 - (i) A person residing in the municipality, who owns, possesses or harbours an animal mentioned in this bylaw, and neglects or refuses to register said animal shall be deemed guilty of an infraction of this bylaw.
- (b) The owner of an animal shall ensure that such animal is not running at large.
- (c) The owner of an animal shall ensure that such animal shall not
 - (i) bite a person whether on the property of the owner or not;
 - (ii) do any other act that injures a person whether on the property of the owner or not;
 - (iii) chase or otherwise threaten a person whether on the property of the owner or not, unless the person chased or threatened is a trespasser on the property of the owner;
 - (iv) bite, bark at, or chase stock, bicycles, automobiles, or other vehicles;
 - (v) bark, howl or otherwise disturb any person;
 - (vi) cause damage to property or other domestic animals;
 - (vii) upset any waste receptacles or scatter the contents thereof either in or about a street, lane, or other public property or in or about premises not belonging to or in the possession of the owner of the animal; or

- (viii) be left unattended in any motor vehicle unless the animal is restricted so as to prevent access to persons as long as such restraint provides for suitable ventilation.
- (d) The owner of an animal shall not permit his animal on any Tot Lot or Swimming Area.
- (e)
 - (i) The Council may designate park facilities and areas where animals are prohibited by causing signs to be posted in such areas indicating such designations.
 - (ii) The owner of an animal shall not permit his animal in any park facilities or areas which the Council has designated pursuant to subsection (i).
- (f) If an animal defecates on any public or private property other than the property of its owner, the owner shall remove such defecation immediately.

4. DANGEROUS AND/OR VICIOUS ANIMALS

- (a) Subject to paragraph 4.(b) hereof, the owner of a animal alleged to be vicious shall be provided notice of a hearing for the determination by the Provincial Court ten (10) clear days before the date of the hearing.
- (b) Upon application, if it appears to the Justice that the animal should be declared to be a dangerous and/or vicious animal, he shall make an order in summary way declaring the animal as a dangerous and/or vicious animal.
- (c) The owner of a dangerous and/or vicious animal shall, in addition to all other responsibilities of an owner as specified in Article 3 hereof, ensure that:
 - (i) Such animal does not, without provocation, chase, injure, or bite other domestic animals,
 - (ii) Such animal does not damage or destroy public or private property.
- (d) The owner of a dangerous and/or vicious animal shall, at all times when such animal is on the property of the owner, ensure that:
 - (i) Such animal is confined indoors and under control of a person over the age of eighteen (18) years; or
 - (ii) Such animal is in a locked pen or other structure, a minimum of five (5) meters from the property line, constructed to prevent the escape of the dangerous and/or vicious animal and capable of preventing the entry of any person not in control of the animal; or
 - (iii) Such animal is kept as if the provisions of Section 4(e) applied to such animal while on the property of the owner.
- (e) The owner of a dangerous and/or vicious animal shall, at all times when such animal is off the property of the owner, ensure that such animal is securely:
 - (i) muzzled; and
 - (ii) harnessed or leashed in a manner that prevents it from chasing, injuring or biting other domestic animals or humans as well as preventing damage to public or private property; and
 - (iii) under the control of a person over the age of eighteen (18) years.

- (f) The Village must be notified by an owner of a dangerous and/or vicious animal of such animal being in the Village, or the sale or disposal of such animal.

5. COMMUNICABLE DISEASES

An owner of an animal suspected of having rabies:

- (a) Shall immediately report the matter to agriculture Canada, Veterinary Inspection Directorate and to the Village;
- (b) Shall confine or isolate the animal, in such a manner as prescribed so as to prevent further spread of the disease;
and
- (c) Shall keep the animal confined for not less than ten (10) days at the cost of the owner.

6. IMPOUNDMENT

- (a) In addition to any penalties as set out in this Bylaw, an Enforcement Officer may seize and impound any animal:
 - (i) observed to be at large within the village boundary; or
 - (ii) which is required to be impounded pursuant to the provisions of any Statute of Canada or the Province of Saskatchewan or any regulation made thereunder.
- (b) An Enforcement Officer may enter on to the land surrounding any building in pursuit of any animal which has been observed to be running at large.
- (c) If an Enforcement Officer knows the name of the owner of any impounded animal, he shall attempt to notify the owner in writing that the said animal may be sold, destroyed or otherwise disposed of, unless the said animal is reclaimed in accordance with the provisions of this Bylaw. the said notice may be delivered in person or may be delivered by leaving it at, or mailing it to, the last known address of the owner.
- (d) No liability shall attach to the Enforcement Officer, Council, Village, or any employee of the Village, for failure to notify the owner or for damage to the animal.
- (e) The owner of any impounded animal may reclaim the animal by contacting the Village or the Enforcement officer and paying all impoundment charges and any fines, all as set out in Schedule "A" of this Bylaw.
- (f) All impounded animals shall be held for a minimum of seventy two (72) hours, exclusive of the day of impoundment, Saturdays, Sundays, and Statuary Holidays.
- (g) If the owner fails to reclaim the animal within the said period, in accordance with the provisions of this Bylaw, then the Village may cause the animal to be sold or destroyed. The purchaser of an animal pursuant to the provisions of this Bylaw shall obtain full right and title to it and the right and title of the former owner of the animal shall thereupon cease. If an animal is destroyed pursuant to the provisions of this Bylaw, then any related costs shall also be for the owner to pay.

7. OBSTRUCTION:

No person, whether or not he is the owner of an animal which is being or has been pursued or captured shall interfere with or attempt to obstruct an Enforcement Officer who is attempting to capture or who has captured an animal which is subject to impoundment.

8. INTERFERENCE WITH ANIMALS

No person shall:

- (a) untie, loosen or otherwise free an animal which has been tied or otherwise restrained; or
- (b) 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 in the Village.

9. COMPLAINTS TO VILLAGE

Any interested person may make a complaint regarding an animal to the Village. Upon receipt of a complaint, the Village shall:

- (a) Contact an enforcement Officer upon receipt of a signed written complaint. The Enforcement Officer shall investigate and proceed in accordance with Article 10 hereof.
- (b) Contact an Enforcement Officer or the Animal Control Committee upon receipt of a verbal complaint, at the discretion of Council. the Enforcement Officer or, if applicable, not less than two (2) members of the Animal Control Committee shall investigate and attempt to resolve the complaint through discussions with the owner and the complainant. The Enforcement Officer or the Animal Control Committee shall then provide a written recommendation to Council. Any subsequent action shall be in the discretion of Council. The name of the Complainant shall remain confidential unless the complaint results in a court summons, or the complainant agrees otherwise.

10. PENALTIES

- (a) Where an Enforcement Officer believes that a person has contravened any provision of this Bylaw, he may commence proceedings by issuing a summons by means of a Violation Ticket in accordance with The Summary Conviction Offenses Procedure Act, 1990.
- (b) The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule "A" of this Bylaw in respect of that provision.
- (c) A person to whom a ticket is being issued shall furnish any Enforcement Officer or Employee of the Village, upon request, with his name and address and date of birth. Any person who fails to provide this information is guilty of an offence and liable on summary conviction to the penalty contained in Section 12.

11. PAYMENT

- (a) A person who has received a ticket for being in contravention of this Bylaw has fourteen (14) days to make an out of court payment to the Village by way of a certified cheque, money order or cash.

- (b) Out of Court payment may be made to the Village by mailing it to:
RESORT VILLAGE OF SHIELDS
Box 81, DUNDURN SK. S0K 1K0
- (c) If payment is not received by the Village within fourteen (14) days a summons to appear in court shall be issued to the owner alleged to have been in contravention of this Bylaw.

12. SUMMARY CONVICTION

- (a) Any person who contravenes any provision of this Bylaw is guilty of an offense and is liable on summary conviction to a fine of not more than TWO THOUSAND, FIVE HUNDRED DOLLARS (\$2,500.00) and in default of payment is liable to imprisonment for a term not exceeding six (6) months.
 - (b) The minimum fines on summary conviction in respect to a contravention of this Bylaw with respect to dangerous and/or vicious animals shall be the same amounts as shown in Schedule "A" regarding dangerous and/or vicious animals.
 - (c) 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 from which he is liable under the provisions of this Bylaw.
 - (d) A Justice, in addition to the penalties provided in this section, may if he considers the offense sufficiently serious direct or order the owner of the animal to stop the animal from doing mischief or causing the disturbance or nuisance complained of, or to have the animal removed from the Village, or have the animal destroyed.
13. A Justice, after convicting the owner of an animal of an offense under this Bylaw, may, in addition to any other penalties imposed or orders made, and without further notice or hearing, declare the subject animal a dangerous and/or vicious animal, pursuant to the provisions of this Bylaw.

14. Bylaw #6/2001 is hereby repealed.

Read a third time and adopted
this ____ day of _____, 2011.

Mayor

(S E A L)

Administrator

Certified a true copy of Bylaw #3-11.
Read a third time and adopted May 16, 2011.

Administrator

