

## BYLAW NO. 5/23

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

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

**1. Purpose:**

This bylaw shall be stated as 'The Animal Control Bylaw', and its purpose is to set rules and rates charged for the regulation and control of animals owned by residents in the Resort Village of Shields.

**2. Definitions:**

In this Bylaw, the following terms shall have the meanings ascribed below:

- 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) Cattery – shall mean a place where cats are bred or looked after;
- d) Council – means the Council for the Resort Village of Shields.
- e) 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.
- f) Domesticated – shall mean to accustom animals to live near the habitation of humans; to tame;
- g) Dovecote – shall mean a structure for housing pigeons;
- h) Enforcement Officer – means any person appointed either paid or non-paid by the Council to enforce the provisions of this Bylaw.
- i) Even-toed hoofed animal – shall mean mammals having reduced number of functional toes and that rest their weight equally on the third and fourth toes of each foot – Examples include but are not restricted to pigs, deer, cattle, antelope, camels, llamas, sheep, goats, giraffes;
- j) Fur farm – shall mean a place where animals are bred for fur;
- k) Justice – has the meaning as defined in The Summary Offenses Procedure Act, 1990 as amended or replaced from time to time.
- l) Kennel – shall mean a breeding or boarding establishment for dogs;
- m) Leash – means a chain or other material, not longer than two meters in length, capable of restraining the animal on which is being used.
- n) Municipality – means the Resort Village of Shields.
- o) Odd-toed hoofed animal – shall mean mammals having a reduced number of toes, each encased in a protective horny sheath or hoof, and the weight is carried mainly by the middle digit of each foot – Examples include but are not restricted to horses, asses, mules, zebras, tapirs, rhinoceroses;
- p) 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 harbours 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.
- q) Poultry – shall mean domesticated birds kept for eggs or meat – Examples include chickens, turkeys, ducks, geese, quail, guinea, fowl, pheasants, pigeons, ostriches;
  - r) Provincial Court – means The Provincial Court of Saskatchewan.
  - s) Rodent – shall mean a mammal with strong incisors and no canine teeth – Examples include but are not restricted to rabbit, chinchilla.
  - t) Running at Large –
    - 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.
  - u) 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.
  - v) 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.
  - w) Village – means the Resort Village of Shields.

Terms used but not defined in this Bylaw shall, except where the context requires otherwise, have the same meaning as in the Act.

### **3. Responsibility 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) That:
  - 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 an 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 wilfully 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. Animal Ownership Regulations**

- a) No person shall herd any animal at any time within the limits of the Municipality.
- b) No person shall graze any animal at any time within the limits of the Municipality.
- c) No person shall keep prohibited Animals as listed in Schedule "B" of this bylaw at any time within the limits of the Municipality.
- d) No person shall keep more than two (2) of any type of permitted animal and a maximum of four (4) permitted animals within the limits of the Municipality.

## **10. 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 11 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.

#### **11. Penalties:**

- a) Where an Enforcement Officer believes that a person has contravened any provision of this Bylaw, they may issue a ticket.
- 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 13.

#### **12. 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, cash or e-transfer.
- b) Out of Court payment may be made to the Village by mailing it to:  
Resort Village of Shields 8 Procter Drive, Shields SK, S7C0A1
- 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.
- d) Unpaid fees, charges, or penalties left unpaid at year end shall be added to the tax roll.

#### **13. 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.
- e) 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 Effect Date:**

The rates, charges, tolls or rents contained in this bylaw shall come into force and take effect on the day that this bylaw is adopted.

**15. Repealed Bylaws:**

Bylaws No. 3/11 ‘Animal Control Bylaw’, Bylaw amendment No. 9/15 “Animal Control Amendment”, and Bylaw No.5/14 ‘Animal Ownership Bylaw’ are hereby repealed, the date bylaw 5/23 comes into force.

Mayor \_\_\_\_\_  
Mayor Angela Larson

Administrator \_\_\_\_\_  
Administrator Jessica Arguin

( S E A L )

Introduced and read a first time on December 20<sup>th</sup>, 2023.  
Read a second time on December 20<sup>th</sup>, 2023.  
Read a third time and hereby adopted on December 20<sup>th</sup>, 2023.

Certified a true copy of Bylaw #5/23  
Adopted by resolution of Council  
On the 20 day of December, 2023.

\_\_\_\_\_  
Administrator

**SCHEDULE "A"**  
**Resort Village of Shields**  
**To Bylaw No. 5/23**

AMOUNT TO BE PAID TO ENFORCEMENT OFFICER OR VILLAGE  
BY OWNER OF ANIMAL IN ORDER TO RECLAIM OR DESTROY AN ANIMAL.

Impoundment fees	Amount Expended
Vicious dog impoundment fees	Amount Expended
Care and sustenance (per day or portion thereof. To commence at midnight on the day of impoundment).	Amount Expended
Veterinary fees	Amount Expended
Destruction of an animal	Amount Expended
Transportation Costs	Amount Expended

**Specified Penalties**

**Section 3(a) Failure to Register an Animal:**

- |                                |   |
|--------------------------------|---|
| a) 1st Offense                 | \$250.00, Reduced to \$150.00 if paid within 14 days    |
| b) 2nd Offense                 | \$500.00, Reduced to \$350.00 if paid within 14 days    |
| c) 3rd and subsequent Offenses | \$1,500.00, Reduced to \$1000.00 if paid within 14 days |

**Section 3(b) Being at Large:**

- |                                |   |
|--------------------------------|---|
| a) 1st Offense                 | \$250.00, Reduced to \$150.00 if paid within 14 days    |
| b) 2nd Offense                 | \$500.00, Reduced to \$350.00 if paid within 14 days    |
| c) 3rd and subsequent Offenses | \$1,500.00, Reduced to \$1000.00 if paid within 14 days |

**3(c)(i) Biting a Person:**

- |   |
|---|
| a) \$2,500.00 plus notification of Village and RCMP, reduced to \$1500.00 plus notification of Village and RCMP if paid within 14 days. |
|---|

**3(c)(ii) Injure a Person:**

- |                                |   |
|--------------------------------|---|
| a) 1st Offense                 | \$1,250.00, Reduced to \$750.00 if paid within 14 days  |
| b) 2nd and subsequent Offenses | \$2,500.00, Reduced to \$1500.00 if paid within 14 days |

**3(c)(iii) Chasing a Person:**

- |                                |   |
|--------------------------------|---|
| a) 1st Offense                 | \$1,250.00, Reduced to \$750.00 if paid within 14 days  |
| b) 2nd and subsequent Offenses | \$2,500.00, Reduced to \$1500.00 if paid within 14 days |

**3(c)(iv) Biting, Barking at, Chasing Stock Bicycle, Automobiles, or other Vehicles.**

- |                                |   |
|--------------------------------|---|
| a) 1st Offense                 | \$1,250.00, Reduced to \$750.00 if paid within 14 days  |
| b) 2nd and subsequent Offenses | \$2,500.00, Reduced to \$1500.00 if paid within 14 days |

**3(c)(v) Barking Howling or Disturbing:**

- |  |  |
|--|--|
| a) 1st Offense   | \$250.00, Reduced to \$150.00 if paid within 14 days |
| b) 2nd Offense   | \$500.00, Reduced to \$350.00 if paid within 14 days |
| c) 3rd and subsequent Offenses   | \$750.00, Reduced to \$550.00 if paid within 14 days |
| d) additional non-compliance for offenses within the same twelve (12) month period in increments of (\$250.00) \$200.00 commencing at (\$1,000.00) \$750.00. |  |

**3(c)(vi) Damage to Property or Animal:**

- a) 1st Offense \$250.00, Reduced to \$150.00 if paid within 14 days
- b) 2nd Offense \$500.00, Reduced to \$350.00 if paid within 14 days
- c) 3rd and subsequent Offenses \$750.00, Reduced to \$550.00 if paid within 14 days

**3(c)(vii) Upsetting Waster Receptacles:**

- a) 1st Offense \$250.00, Reduced to \$150.00 if paid within 14 days
- b) 2nd Offense \$500.00, Reduced to \$350.00 if paid within 14 days
- c) 3rd and subsequent Offenses \$750.00, Reduced to \$550.00 if paid within 14 days

**3(c)(viii) Animal Unattended in Motor vehicle:**

- a) 1st Offense \$250.00, Reduced to \$150.00 if paid within 14 days
- b) 2nd Offense \$500.00, Reduced to \$350.00 if paid within 14 days
- c) 3rd and subsequent Offenses \$750.00, Reduced to \$550.00 if paid within 14 days

**3(d-f) Animal in Tot Lot, Swimming Area, Designated Area, & Defecation and Litter clean up:**

- a) 1st Offense \$250.00, Reduced to \$150.00 if paid within 14 days
- b) 2nd Offense \$500.00, Reduced to \$350.00 if paid within 14 days
- c) 3rd and subsequent Offenses \$750.00, Reduced to \$550.00 if paid within 14 days
- d) additional non-compliance in increments of (\$250.00) \$200.00 commencing at (\$1,000.00)

**4(c-e) Vicious Dogs -Failure to Comply:**

- a) \$2,500.00, Reduced to \$1,500.00 if paid within 14 days

**4(f) Vicious Dogs -Failure to Notify:**

- b) \$1,250.00, Reduced to \$750 if paid within 14 days

**5 Communicable Diseases:**

- c) \$500.00, reduced to \$350.00 if paid within 14 days

**7 Obstruction:**

- d) \$500.00, reduced to \$350.00 if paid within 14 days

**8 Interfering with Animals:**

- e) \$500.00, reduced to \$350.00 if paid within 14 days

**False Information:**

- a) \$2,500.00, Reduced to \$1,500.00 if paid within 14 days



**SCHEDULE "B"**  
**Resort Village of Shields**  
**To Bylaw No. 5/23**

LIST OF PROHIBITED ANIMALS.

The following is a list of animals the keeping of which is prohibited within the Resort Village of Shields:

- a) All Arachnids dangerous to humans (such as scorpions and tarantulas, except tarantulas of the genera Aphonogelia, Avicularia and Grammostola);
- b) All Artiodactylous Ungulates (such as goats, sheep, cattle, pigs and llamas);
- c) All Bats;
- d) All Canids, except the domestic dog;
- e) All Crocodylians (such as alligators, crocodiles and caimans);
- f) All Edentates (such as anteaters, sloths and armadillos);
- g) All Elephants;
- h) All Felids, except the domestic cat;
  - (i) all Hyaenas;
- i) All Marsupials (such as kangaroos and opossums);
- j) All Mustelids (such as skunks, weasels, otters and badgers) except the domestic ferret;
- k) All non-human Primates (such as gorillas and monkeys);
- l) All Perissodactyls Ungulates (such as horses, donkeys, mules and asses);
- m) All Pinnipeds (such as seals, fur seals and walruses);
- n) All Procyonids (such as raccoons, coatis and cacomistles);
- o) All Raptors, diurnal and nocturnal (such as eagles, hawks and owls);
- p) All Ratite Birds (such as ostriches, rheas, and cassowaries);
- q) All Galliformes (such as chickens, turkeys, grouse, quails and pheasants);
- r) All Anseriformes (such as ducks and geese);
- s) All snakes of the families Pythonidae and Boidae;
- t) All Ursids (bears);
- u) All venomous Reptiles and Amphibians;
- v) All Viverrids (such as mongooses, civets and genets).

Examples of animals of a particular prohibited group are given in parentheses. They are examples only and shall not be construed as limiting the generality of the group.