

BYLAW NO. 11-1998

A BYLAW TO PROHIBIT THE BEING AT LARGE OF DOGS PURSUANT
TO SECTION 216(1)(e) OF THE RURAL MUNICIPALITY ACT, 1989

The Council of the Rural Municipality of Swift Current No. 137, in the Province of Saskatchewan, enacts as follows:

1. This Bylaw shall apply to all lands and property within the boundaries of the R.M. of Swift Current No. 137:

PART I - DEFINITIONS

2. (a) "animal" means a dog, cat, or any other animal;
- (b) "Animal Control Officer" means a Bylaw Enforcement Officer, peace officer or a person appointed as a dog catcher for the R.M. of Swift Current No. 137.
- (c) "dog" means either male or female of the Canidae family;
- (d) "Judge" shall mean
 - (i) a judge of the Provincial Court of Saskatchewan;
 - (ii) a justice of the Peace;
- (e) "leash" means a chain or other material capable of restraining the dog on which it is being used;
- (f) "Medical Health Officer" means a Medical Health Officer appointed under the Health Services Act or Public Health Act;
- (g) "Owner" includes:
 - (i) a person who keeps, possesses, harbors or has charge of or control over an animal;
 - (ii) the person responsible for the custody of a minor where the minor is the owner of an animal;
- (h) "person" shall include an individual, partnership, association or corporation.
- (i) "pound" means such premises and facilities as may be designated by the R.M. of Swift Current No. 137, from time to time, as the R.M. pound;
- (j) "Poundkeeper" means a person, persons, or association designated by the R.M. of Swift Current No. 137 from time to time to maintain and administer the pound;

PART II - DOG LICENSING

3. 1) The dog licence year shall be from January 1 to December 31 of the same year.

- 2) Every owner of a dog six (6) months old or older shall, "not later than the 15th of February in each year, or within forty-five (45) days of becoming an owner of a dog", obtain a licence. The licence shall not be transferable to any other dog or other owner. The onus of proof as to the date when the owner actually became the owner of the dog in question, shall be on the owner.
- 3) Notwithstanding subsection (2), the owner of a kennel of purebred dogs which is registered in the Register of The Canadian Kennel Club, may in lieu of obtaining a licence for each dog, obtain a licence for each kennel. No licence shall be granted under this section until the applicant produces a certificate from The Canadian Kennel Club showing that all dogs comprising such kennel have been registered with The Canadian Kennel Club.
- 4) Notwithstanding subsection (2) the owner shall obtain a licence for any dog less than six (6) months old found running at large.
- 5) When applying for a licence under this section, the applicant shall provide the R.M. of Swift Current No. 137 with a description of the dog, the name and address of the owner of the dog, and any other relevant information which may be required by the R.M. to determine the dog's age or that the dog is neutered or spayed.
- 6) No person shall give false information when applying for a dog licence.
- 7) When issuing a licence for a dog, the R.M. shall supply the applicant with a metal tag, the form of which and lettering or numerals inscribed or imprinted thereon as may be determined by the R.M..
- 8) The owner of a dog shall ensure that his dog wears the current licence purchased for that dog, when the dog is off the property of the owner.
- 9) Subsection (8) shall not apply while a dog is participating in a recognized dog show, obedience trail or field trial.
- 10) Every owner of a dog within the area specified by this Bylaw shall, on demand of an Animal Control Officer show his licence, receipt or other evidence that he has paid the licence fee for the dog for the current year.
- 11) The provision of this section shall not apply to dogs kept in the ordinary course of business by the proprietors of the following premises, namely:
 - a) a veterinary hospital, clinic, or boarding kennel, or grooming parlor,

- b) a public pound,
 - c) a shop whose business includes the sale of pets and is licensed as such,
 - d) a shelter operated by an association or society incorporated for the purpose of the protection and humane treatment of animals.
- 12) No person shall be entitled to a licence rebate under this bylaw.
- 13) Where a licence required pursuant to this section has been paid for by the tender of a non-certified cheque, the licence is automatically revoked if the cheque is not accepted and cashed by the bank on which it is issued.

Reduction in Licence Fees

- 14) Subject to subsection (15) any licence fee due and payable on or after August 1st of any year shall be one half the licence fee for the full year.
- 15) The fee reduction specified in subsection (14) does not apply to the licensing of vicious dogs or, to dogs which were required by this bylaw to be licensed prior to August 1st of any year.

PART III - RESPONSIBILITY OF DOG OWNERS

4. (a) No owner shall allow their dog to run at large within the R.M. of Swift Current No. 137.
- (b) In this section, an animal shall be "at large" if it is off the premises of its owner, unless the animal is both:
- i) on a leash not exceeding two (2) metres in length; and
 - ii) under the proper control of its owner

PART IV - NUISANCE

5. (a) The owner of a dog shall ensure that such dog shall not:
- i) bite a person or persons whether on the property of the owner or not;
 - ii) do any act to injure a person or persons whether on the property of the owner or not;
 - iii) chase or otherwise threaten a person or persons 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, animals, bicycles, automobiles or other vehicles;
 - v) bark, howl or otherwise disturb any person;
 - vi) cause damage to property or other 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 dog;
 - viii) be left unattended in any motor vehicle unless the dog is restricted so as to prevent access to persons as long as such restraint provides for suitable ventilation.
- b) Every female dog in heat shall be housed or confined to a kennel.
 - c) If a dog defecates on any public or private property other than the property of its owner, the owner shall remove such defecation immediately.
 - d) Any person owning a dog and occupying property within the area described in Part III 4(a) shall remove any and all dog defecation from the said property on a daily basis and shall dispose of the defecation in a sanitary manner.
 - e) Failure to cause the removal of defecation as required by subsection (c) & (d) of this section shall be a breach of this Bylaw.

PART V - IMPOUNDMENT OF DOGS

6. An Animal Control Officer may capture and impound any dog found running at large.
7. An Animal Control Officer may enter onto the land surrounding any building in pursuit of any dog which has been observed to be at large.
8. For the purpose of impounding any dog found at large in the area described in Part III Section 4(a), a pound shall be established at such place as may be designated by resolution of Council as a pound.
9. The R.M. of Swift Current No. 137 may from time to time appoint a Poundkeeper to carry out the provisions of this Bylaw.
10. Every Poundkeeper shall receive and detain in the pound any dog found running at large and shall detain same until disposal of it in accordance with the provisions of this bylaw.

11. The Poundkeeper shall keep a record of all dogs impounded and of the time and manner of their disposal and shall make monthly returns to the R.M. of Swift Current No. 137 all fees received by him/her and shall pay to the R.M. of Swift Current No. 137 all fees. Said records shall be open to inspection by the Council and/or Rural Administrator of the municipality at any time that the Poundkeeper is in attendance at the pound.
12. Any Poundkeeper appointed under the provisions of this Bylaw is hereby empowered to collect all necessary fees in connection with the impounding of dogs and for the keeping of such dogs at the pound.
13. The Poundkeeper or such other person as may be designated by the Council of the R.M. of Swift Current No. 137 shall supply to each dog impounded under the authority of this bylaw sufficient food and water during its confinement in the pound, and to maintain clean and properly vented enclosures for impounded dogs.

PART VI - RELEASE OF IMPOUNDED DOGS

14. All dogs impounded in the dog pound shall be so confined for a period of seventy-two hours (72) hours from the time of capture, excluding Saturdays, Sundays and Statutory holidays, during which time the owner, shall have the right to repossess the said dog upon paying the Poundkeeper or R.M. of Swift Current the amount set forth in Schedule "B" to this Bylaw.
15.
 - 1) Subject to subsection (2), no dog shall be released from the pound unless:
 - a) a certificate is produced that the dog has been vaccinated against rabies within two years of the date of release, and
 - b) a licence is obtained for such dog should a licence be required under this bylaw.
 - 2) The requirements of clause (a) and/or (b) may be met by a prospective owner signing a declaration as provided in Schedule "D" that the vaccination and/or licence will be obtained within 30 days from the date of possession of the dog.
 - 3) Failure to carry out the requirements specified on a declaration made pursuant to subsection (2) shall constitute a breach of this bylaw.
16. The owner of any dog impounded, in order to have the same released from the pound, shall satisfy the Poundkeeper by reasonable evidence, that he is the lawful owner or person entitled to the possession of said dog.

PART VII - DISPOSAL OF UNCLAIMED DOGS

17. If an impounded dog is not claimed within seventy-two (72) hours from the time such dog is received at the pound, excluding Saturdays, Sundays and Statutory holidays, and the fees if any, are unpaid as herein provided, said dog may be disposed of by the Poundkeeper without further notice in the following manner:
- i) disposal by adoption, where in the opinion of the Poundkeeper the dog is suitable for adoption;
 - ii) disposal by euthanasia where in the opinion of the Poundkeeper the dog is not suitable for adoption;
 - iii) disposal by euthanasia if the dog cannot be sold for adoption within a reasonable time, at the discretion of the Poundkeeper.
18. The proceeds from the disposal by adoption shall inure to the party as provided for in the agreement between the R.M. of Swift Current No. 137 and the Poundkeeper.

PART VIII - MISCELLANEOUS

19. An Animal Control Officer or Veterinarian may take immediate action to humanely destroy any sick or injured animal found within the R.M. of Swift Current No. 137 where, in his/her opinion immediate destruction of the animal is necessary to avoid unnecessary suffering of the animal.
20. Reasonable efforts shall be made to contact the owner of an animal before it is destroyed pursuant to Section 17, however no action lies against the Animal Control Officer or Veterinarian solely because the owner of the animal was not contacted.
21. No person, whether or not he/she is the owner of a dog which is being or has been pursued or captured shall interfere with or attempt to obstruct an Animal Control Officer who is attempting to capture or who has captured a dog which is subject to impoundment pursuant to the provisions of this Bylaw.
22. No person shall:
- i) untie, loosen or otherwise free an animal which has been tied or otherwise restrained; or
 - ii) 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 Rural Municipality of Swift Current No. 137.

iii) tease, entice, bait or throw any objects at a dog confined within its owner's property.

23. Any animal suspected of having rabies or other life threatening disease shall be isolated and may not be claimed from the pound, destroyed or otherwise disposed of except after notice to the Medical Health Officer and then only in compliance with the direction of the Medical Health Officer.

PART IX - PENALTIES

24. 1) Where an Animal Control Officer believes that a person has contravened any provision of this bylaw, he may serve upon such person a Bylaw Violation Tag, (Form A) as provided by this section either personally or by mailing or leaving same at his last known address and such service shall be adequate for the purpose of this bylaw.
- 2) A tag shall be in such form as determined by the R.M. Solicitor and shall state the section of the bylaw which was contravened and the amount which is provided in Schedule "C" that will be accepted by the R.M. of Swift Current No. 137 in lieu of prosecution.
- 3) Upon production of a tag issued pursuant to this section within fifteen (15) days from the issue thereof together with the payment to the R.M. of Swift Current No. 137 the fee as provided in Schedule "C", the person to whom the tag was issued shall not be liable for prosecution for the contravention in respect of which the tag was issued.
- 4) Where any person contravenes the same provision of this bylaw two or more times within one twelve month period, the specified penalty payable in respect of the second or subsequent contravention is double the amount shown in Schedule "C" of this bylaw in respect of that provision.
25. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than TWO THOUSAND DOLLARS (\$2,000.00) and in default of payment is liable to imprisonment for a term not exceeding six (6) months.
26. 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 for which he/she is liable under the provisions of this Bylaw.
27. A Provincial Court Judge, in addition to the penalties provided in this section, may if he considers the offence sufficiently serious, direct or order the owner of the dog, to stop the animal from doing mischief or causing the disturbance or nuisance complained of, or to have the animal removed from the R.M. of Swift Current No. 137, or have the animal destroyed.

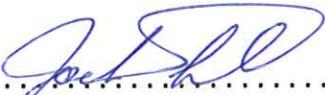
- 28. If any section, subsection, sentence, clause or phrase or other portion of this Bylaw is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the Court shall not affect the validity of the remaining portions of the Bylaw.
- 29. This Bylaw shall come into force and have effect from and after the final reading hereof.
- 30. Bylaw No. 13-1995 is hereby repealed.


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REEVE


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RURAL ADMINISTRATOR

INTRODUCED & READ A FIRST TIME THIS 13 DAY OF July....., 1998.
READ A SECOND TIME THIS 13 DAY OF July....., 1998.
READ A THIRD TIME AND FINALLY PASSED BY UNANIMOUS CONSENT OF COUNCIL
MEMBERS PRESENT THIS 14 DAY OF September....., 1998.

CERTIFIED A TRUE COPY OF A BYLAW PASSED
BY THE COUNCIL OF THE R.M. OF SWIFT
CURRENT NO. 137 AT A DULY ASSEMBLED
MEETING THIS 14 DAY OF September,
1998.


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REEVE


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RURAL ADMINISTRATOR