

Town of Davidson

BYLAW No. 751

A BYLAW TO CONTROL ANIMALS IN THE TOWN OF DAVIDSON

The Council of the Town of Davidson, in the Province of Saskatchewan, enacts as follows:

1. This Bylaw shall be known as the "*Animal Control Bylaw*".

2. DEFINITIONS

In this bylaw the following definitions apply:

- a. **Animal Control Agency or Animal Control Officer** – means the Animal Control Agency/Officer appointed by the Town of Davidson;
- b. **Bylaw Enforcement Officer** - means the person or persons appointed or contracted by the council of the Town of Davidson for the purpose of enforcing the provision of this bylaw;
- c. **Municipality or Town** – means the Town of Davidson;
- d. **Council** - means the council of the Town of Davidson;
- e. **Clerk** - means the Administrator, or his/her designate, of the Town of Davidson;
- f. **Cat** - means a male or female cat or a male or female kitten over eight (8) weeks of age;
- g. **Dog** - means a male or female dog or a male or female puppy over twelve (12) weeks of age;
- h. **Dangerous Animal** – means
  - i) any animal, that without provocation in a vicious or menacing manner, chases or approaches a person or domestic animal in an apparent attitude of attack;
  - ii) any animal with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise threaten the safety of persons or domestic animals;
  - iii) any animal that, without provocation has bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal;
  - iv) any animal which is owned primarily or in part for the purpose of animal fighting or is trained for fighting.
  - v) 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 or residence.
  - iv) any animal declared dangerous under Division 5 of *The Municipalities Act*, S.S. 2005, c. M-36.1.
- i. **Designated Officer** – means and includes the Bylaw Enforcement Officer, Pound Keeper and/or the Animal Control Officer as appointed by the Council for the purposes of this Bylaw;
- j. **Judge** – means a judge of the Provincial Court of Saskatchewan or a justice of the peace;
- k. **Court** – means the Provincial Court of Saskatchewan established pursuant to *The Provincial Court Act*;
- l. **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 a dog or cat.
- m. **Person** - means and includes an individual(s), partnership, association or corporation;
- n. **Pound** - means such premises and facilities as may be designated by the council of the Town of Davidson for the purpose of safely lodging and securing animals seized pursuant to this bylaw;
- o. **Pound Keeper** - means a person designated by the from time to time Town of Davidson to maintain and administer the pound;
- p. **Provocation** – means an act done intentionally for the purpose of provoking an animal to which this bylaw applies;
- q. **Running at Large** - means when the dog or cat is beyond the boundaries of the land occupied by the owner, possessor or harbinger or keeper of the said dog or cat, or beyond the boundaries of any lands where it may be with the permission of the owner or occupant of the said land 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; or
  - iii) securely fastened so that it cannot roam at will.
- r. **Town Office** – means the Town of Davidson Administration Office;
- s. **Working Guide Dog** - means any dog whose primary purpose is to guide and provide assistance to individuals who are visually, physically or hearing impaired and who have successfully completed a recognized training program for use as a service dog.

### 3. REGISTERING

- a. Every owner of a dog within the Town shall cause each such animal to be registered with the Town office. At the time of registering, the applicant shall complete an *Application for Registration of a Dog* as set in Appendix "E" of this bylaw, and provide the Town Office with a physical description of the animal, the breed of the animal which will be accompanied by a photograph of the animal, a rabies certificate valid for the registration year, and the name, address and telephone number of the owner of the animal. A record of the license, name and address of the owner will be kept at the Town office.
- b. License Fees shall become due on January 1<sup>st</sup> of each year or at any time during the year immediately upon a person becoming an owner of a dog, and failure to do so shall constitute an offence under this bylaw.
- c. The registration year for dogs shall be from the first day of January to the thirty-first day of December of the same year.
- d. Every owner of a dog shall, no later than February 15<sup>th</sup> in each year, register the said dog at the Town office and failure to do so shall constitute an offence under this bylaw.
- e. In addition to the registration requirements set forth in Section 3(a) (b) (c), the owner of a dog shall pay an annual registration fee as set out in Schedule "A" of this bylaw and which may be amended from time to time by resolution of council.
- f. In addition to the registration requirements laid down in Section 3(a) (b) (c), the owner of a dog deemed "dangerous" shall pay an annual registration fee as set out in Schedule "A" of this bylaw, and which may be amended from time to time by resolution of council.
- g. The sum payable for a registration fee required after the thirty-first (31<sup>st</sup>) day of July in a calendar year shall be calculated at a prorated amount of months left in the calendar year and shall expire on the thirty-first day of December in the same calendar year.

- h. Any dog registration certificate or applicable fee issued pursuant to the provisions of this bylaw by the Town shall not be transferable to any other dog or cat.
- i. Notwithstanding Section 3(e), a dog which has been professionally trained as a Working Guide Dog as defined in Section 2(r) shall be subject to an annual registration fee as set out in Schedule "A" of this bylaw and which may be amended from time to time by resolution of council.
- j. The provisions of this section shall not apply to the dogs kept, in the ordinary course of business by the proprietors of the following premises as licensed by the Town of Davidson:
  - i) a veterinary hospital, clinic, boarding kennel or grooming parlor;
  - ii) a public pound;
  - iii) a shop whose business includes the sale of pets;
  - iv) a shelter operated by an association or society incorporated for the purpose of the protection and humane treatment of animals.
- k. A person residing in the Town who owns, possesses keeps or harbors a dog and neglects or refuses to register or pay any applicable registration fee shall be subject to the penalties as outlined in Schedule "C" of this bylaw.
- l. The owner shall be supplied with a current registration tag and a receipt for payment of the registration fee when the dog is registered. This registration tag must be renewed each year. The owner will be issued a replacement registration tag if the current registration tag is lost or destroyed and the owner shall be responsible for the replacement cost, as set out in Schedule "D" of this bylaw.
- m. The owner of or dog shall ensure that the dog wears a collar to which is attached a valid license tag whenever the dog is off the premises of the owner.
- n. This Section shall not apply while a dog is participating in a recognized dog show, obedience trial or field trial, or where an electronic identification microchip has been implanted in the animal and the identification information related to the microchip has been provided to the Town.
- o. Any owner of an animal within the Town of Davidson who has not registered their animal(s) with the Town of Davidson prior to this bylaw coming into effect will be required to register the dog within 60 days of this bylaw coming into effect and failure to do so shall constitute an offence under this bylaw.
- p. No person shall:
  - i) Untie, loosen or otherwise free a dog or cat which has been tied or restrained; or
  - ii) Negligently or wilfully open a gate, door or other opening in a fence or enclosure in which a dog or cat has been confined and thereby allow a dog or cat to run at large in the Town of Davidson ;
  - iii) Tease, entice, bait or throw objects at a dog or cat confined within its owner's property;
  - iv) Register or attempt to register a female as a male dog.
- q. The owner of a currently licensed dog shall notify the Town office in the event that a dog is deceased and will therefore be removed from the Town records.

#### 4. LIMITED NUMBER OF ANIMALS

No person shall keep, possess or harbour more than two (2) dogs or two (2) puppies over the age of twelve (12) weeks and/or two (2) cats over the age of eight (8) weeks. Any person who does is deemed to have failed or refused to comply with the provisions of this section and shall be subject to the penalties as outlined in Schedule "C" of this Bylaw. Any persons already in ownership of animals exceeding the limit prior to this bylaw coming into effect, will be required to register and license all animals. At the time when one of these exceeding limit animals becomes deceased or is removed from the property owners, renters or lease holders possession by whatever means for a term exceeding 60 days no replacement animal will be allowed.

## 5. RUNNING AT LARGE

The owner of a dog or cat shall not at any time allow the dog or cat to run at large within the Town, except in designated areas.

- a. When a dog or cat is found to be running at large, its owner is deemed to have failed or refused to comply with the provisions of this section.
- b. Where a dog or cat is found to be running at large, the owner or occupant of that property on which the dog or cat is running at large may make a written complaint to the Bylaw Enforcement Officer.

## 6. SEIZURE AND IMPOUNDING

- a. A Bylaw Enforcement Officer or Peace Officer may seize and impound any dog or cat observed to be at large or creating a nuisance.
- b. A Bylaw Enforcement Officer or Peace Officer may enter onto land surrounding any building in pursuit of any dog or cat, which has been observed to be at large or creating a nuisance.
- c. The Bylaw Enforcement Officer is hereby authorized to seize and capture by any methods authorized by resolution of Council and impound any dog running at large or creating a nuisance contrary to the provisions of this bylaw.
- d. Any person may lodge a complaint with the Town regarding any dog or cat found running at large or creating a nuisance contrary to the provisions of this bylaw.
- e. 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 Bylaw Enforcement Officer who is attempting to seize or has seized any dog or cat in accordance with the provisions of this bylaw;
  - ii) unlock or unlatch or otherwise open the 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 there from; and/or
  - iii) remove or attempt to remove any dog or cat from the possession of the Bylaw Enforcement Officer.
- f. In the event that the animal in question can not be caught by the Animal Control Officer, the Officer is authorized to take a photograph of the animal and, upon establishing the owner of the animal, a fine will be levied against the owner. The same fine structure will apply to picture fines as other fines.
- g. Upon receipt of a completed and signed complaint, the Town of Davidson shall notify the owner, possessor or harbourer by registered mail that a complaint has been received and that in the event of failure to pay the appropriate voluntary fine relevant to the infraction within seven (7) days of the receipt of the notice, the Town Administrator, or his/her designate, shall take the steps necessary to prosecute the owner, possessor or harbourer. The complaint shall be in the form attached hereto and marked as Appendix "E" and forming part of this bylaw.

## 7. POUND

- a. The council shall endeavor to appoint a poundkeeper.
- b. All dogs impounded in the pound shall be so confined therein for a period of 72 hours from the time of capture during which time the owner thereof shall have the right to repossess the said dog or cat upon paying to the Town office the amount set forth in Schedule "B" of this bylaw as amended from time to time by resolution of council.
- c. When a dog has been impounded, the Town office shall immediately attempt to contact the owner as shown in the records made when the animal was registered at the address shown therein, that unless the said animal is claimed and the fees as provided for in this bylaw are paid within 72 hours from the date

of the impounding. the said animal shall be dealt with pursuant to the provisions of the bylaw.

- d. No dog, which is impounded, shall be released to its owner or to any other person until the appropriate pound fee is paid and the dog has been registered.
- e. All impounded animals which are not claimed within 72 hours shall be disposed of in the most humane way possible.
- f. It shall be the duty of the Pound Keeper to provide each dog impounded under the authority of this bylaw an adequate supply of food and fresh water during its confinement in the pound.
- g. Any dog found in any public street, lane, park, boulevard or other public place or otherwise running at large contrary to the provisions of this bylaw, may be seized and impounded by the Bylaw Enforcement Officer, Animal Control Officer, or Peace Officer by any methods authorized by resolution of Council.

## 8. LITTER - DOGS AND CATS

- a. If a dog or cat defecates on any public or private property other than the property of the owner, possessor or harbinger of the said dog or cat, the owner, possessor or harbinger 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 an infraction of this bylaw.
- b. Defecation's deposited on the private property of the owner, possessor or harbinger of a dog or cat shall be removed and disposed of in a sanitary manner.
- c. The Animal Protection Officer or Bylaw Enforcement Officer may serve an owner or occupant of private property with a notice to remove all animal feces from the property within 72 hours of service of the notice.
- d. If a notice under Section 7(c) is not served personally on an owner or occupant of private property, then a copy of the notice shall be sent by registered mail to the owner of the property at the mailing address shown on the last revised assessment roll of the town.
- e. A notice served by registered mail is deemed to have been received on the fifth day following the date of its mailing.
- f. The Town may remove the feces from the property if:
  - a. The person to whom the request is made fails to remove the feces within 72 hours; or
  - b. After reasonable inquiry, the whereabouts of the owner or occupant of the property cannot be determined.
- g. If the Town carries out the work under Section 7(f), the costs and expenses incurred are a debt due to the Town and the Town may recover the costs and expenses:
  - i) by action in a court of competent jurisdiction;
  - ii) in the same manner as municipal taxes; or
  - iii) by adding the costs and expenses to and thereby they form part of, the taxes on the land on which the work was done.

## 9. NUISANCE

- a. The owner, possessor or harbinger of a dog or cat shall not allow the animal to create a nuisance to any person by excessive barking, howling, hissing, or otherwise making disruptive noises; attempting to bite or biting anyone or any domestic animal, chasing vehicles or bicycles; causing damage to any property; urinating, defecating or spraying on or otherwise damaging or interfering with any property other than the property of the owner, possessor, or harbinger; and any owner, possessor or harbinger who contravenes this section commits an offence under this bylaw.

- b. Any owner of a dog or cat who fails to immediately restrain and remove the animal upon it becoming a nuisance is guilty of an offence, and in such event, the Animal Control Officer, Pound Keeper or Bylaw Enforcement Officer may seize and impound the animal.

**10. RABIES AND OTHER DISEASES**

- a. Any dog or cat suspected of having rabies shall not be killed but shall be secured and isolated for seven (7) days and the matter immediately reported to a veterinary clinic whose instructions shall be complied with.
- b. An owner, possessor or harbinger of a dog or cat who neglects or refuses to comply with any order of the veterinary clinic shall be guilty of an infraction of this bylaw.

**11. DANGEROUS ANIMAL**

- a. **Dangerous Animals are defined at Section 2(h).**

- b. **Exemption for Guard Dogs**

- i) No dog shall be considered dangerous where an action described in Section 2(h) occurred while the dog was:
  - (A) acting in the performance of police work; or
  - (B) working as a guard dog on commercial or residential property;
  - (C) securely enclosed on property by a fence or other barrier sufficient to prevent the escape of the dog and the entry of children of tender years; and
  - (D) defending that property against a person who was committing an offence.

- c. **Dangerous Animal Hearings**

- i) If a complaint is made that an animal is dangerous, the sitting council shall take into consideration the circumstances for the complaint and determine if, based upon the evidence *submitted*, that the animal is, in fact, dangerous.
- ii) Notice of the complaint received by the Town, referred to in Section 11(c)(i), shall be served upon the owner of the animal. The notice shall be served:
  - (A) in the case of an owner who is an individual:
    - (1) by delivering it personally to the owner; or
    - (2) if the owner cannot conveniently be found by leaving it for the owner at the owner's residence with a person at that residence who appears to be at least 18 years of age; or
    - (3) by sending it by 'Registered Mail' to address registered on the tax roll or utility.
  - (B) in the case of an owner that is a corporation:
    - (1) by sending it by 'Registered Mail' to the registered office of the corporation; or
    - (2) By delivering it personally to the manager, secretary or other executive officer of the corporation or the person in charge of any office or other place where the corporation carries on business in Saskatchewan.
- iii) Any dispute of the decision of council declaring a dog "dangerous" shall be determined by a judge.

- iv) 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 ex parte to hear and determine the proceedings in the absence of the owner as fully and effectively as if the owner had appeared.
- v) If the judge is satisfied, on the evidence, that the animal is dangerous, the judge shall make an order embodying all of the following terms:
  - (A) if the owner removes the animal from the owner's property, the owner shall muzzle and leash it in accordance with the criteria prescribed in Section 15 of this bylaw, and keep it under direct control and supervision;
  - (B) the owner shall inoculate the animal against rabies in accordance with the provisions of Section 16 of this bylaw;
  - (C) the owner shall report the sale or other disposition of the animal to a designated officer appointed pursuant to Section 21 of this bylaw;
  - (D) where the animal is moved to a different Town or municipality, the owner shall notify the clerk of that Town or municipality;
  - (E) where the animal is to be sold or given away, the owner shall:
    - (1) notify any prospective owner that the animal has been declared dangerous, before it is sold or given away; and
    - (2) notify a designated officer appointed pursuant to Section 21 of this bylaw, of the name, address and telephone number of any new owner of the animal;
  - (F) if the animal is not registered as dangerous, the owner shall, at the owner's expense and within ten days of the date of the order, purchase the requisite registration for the animal;
- vi) An order pursuant to Section 11(c)(iv) may also include any or all of the following terms:
  - (A) the owner shall keep the animal in an enclosure which complies with the criteria prescribed in Section 18 of this bylaw;
  - (B) within 10 days of the date of the order, the owner shall obtain and keep in effect liability insurance in an amount of not less than \$500,000.00 for any bodily injury to or death of any person or domestic animal, or for damage to property, caused by the animal and provide copy to the Town office;
  - (C) the owner shall display a sign, which complies with the criteria prescribed in Section 19 of this bylaw, on the owner's property warning of the presence of the animal and shall continue to display that sign in good condition so long as the animal is present on the property;
  - (D) the owner shall have the animal spayed or neutered;
  - (E) the owner shall take such other measures as the judge considers appropriate.
- vii) Notwithstanding Section 11(c)(vii) a judge may in the alternative, order that the animal be destroyed or otherwise disposed of at the owner's expense and shall give directions with respect to the destruction or other disposition.
- viii) Where an order has been made pursuant to Section 11(c)(vi) against the owner, the owner may apply to the judge who made the order for an order that compliance with the provisions of Section 11(c)(vi)(B) be waived.
- ix) Application pursuant to Section 11(c)(viii), the judge may waive compliance with Section 11(c)(vi)(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.

- x) A person desiring to appeal an order 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.

**d. Offences and Penalties**

- (i) 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 offence.
- (ii) Any person who displays a prescribed sign warning of the presence of a dangerous animal and who is not acting in accordance with an order made pursuant to Section 11(c)(vi) or has not received the permission of the Town to display the sign is guilty of an offence.
- (iii) Any person who does not comply with any part of an order made against him or her pursuant to Section 11(c) (iv), (v), or (vi), is guilty of an offence.
- (iv) Any person who owns an animal that, without provocation, attacks, assaults, wounds, bites, injures or kills a person or domestic animal, is guilty of an offence.
- (v) A person who is guilty of an offence pursuant to this Section is liable on summary conviction:
  - (A) in the case of an individual, to a fine not exceeding \$10,000.00, or imprisonment for not more than six months, or both;
  - (B) in the case of a corporation, to a fine not exceeding \$25,000.00, or imprisonment of the directors of the corporation for not more than one year, or both.
- (vi) In addition to imposing the penalty under Section 11(c)(v), the convicting judge shall make an order embodying the requirements of Section 11(c) (iv).
- (vii) An order pursuant to Section 11(c)(vi) may also include the requirements of Section 11(c)(v).
- (viii) Notwithstanding Section 11(c)(vii), the judge may, in the alternative, order that the animal be destroyed or otherwise disposed of at the owner's expense and shall give directions with respect to the destruction or other disposition.
- (ix) A person desiring to appeal an order or conviction pursuant to this Section shall, within seven days of the order or conviction being appealed from, file a notice of Appeal with the Court, and the provisions of Part XXVII of the Criminal Code apply with any necessary modification.

**e. Order Binds Subsequent Owner**

- (i) An order issued pursuant to Section 11(c) or (d) continues to apply if the animal is sold or given to a new owner or is moved to a different municipality.

**f. Execution of Destruction Order**

- (i) Unless the owner otherwise agrees, every order for destruction of an animal shall state that it shall not be implemented for eight days.
- (ii) Where an appeal is taken against an order for the destruction of an animal, the application of the order is stayed pending the disposition of the appeal.
- (iii) Regardless of the outcome of the appeal, the owner shall be responsible for the payment of the costs of impoundment of the animal pending the hearing.

**g. Return of Animal**

- (iv) Where the judge on appeal overturns the order for destruction of the animal, the animal shall be released to the owner after the owner has paid the costs of impoundment of the animal pending the hearing.



## 12. DANGEROUS DOG

- a. Requirements for maintaining a registration for a dangerous dog are as follows:
- i) An owner of a dangerous 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 Town office when applying for a dangerous dog registration. The liability policy shall contain a provision requiring the insurer to immediately provide written notice to the Town office in the event the policy expires, is cancelled or is terminated. Upon cancellation, expiry or termination of the liability insurance policy, the dangerous dog license shall automatically be deemed null and void;
  - ii) At all times while a dangerous 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 eighteen (18) years, or confined in an enclosure which complies with the criteria prescribed in Section 17 of this bylaw;
  - iii) When any dangerous dog is off the premises of the owner, the owner shall muzzle and leash it in accordance with the criteria prescribed in Section 15 of this bylaw, and keep it under direct control and supervision;
  - iv) The owner shall display a sign, which complies with the criteria prescribed in Section 18 of this bylaw, on the owner's property warning of the presence of the animal and shall continue to display that sign in good condition so long as the animal is present on the property;
  - v) The owner shall inoculate the animal against rabies in accordance with the provisions of Section 16 of this bylaw;
  - vi) If the animal has been previously registered without the "dangerous dog" designation, the owner shall, at the owner's expense and within ten (10) days of being deemed a dangerous dog, purchase the requisite registration for the animal.

## 13. DESTRUCTION BY PEACE OFFICERS

- a. A peace officer as defined by the Criminal Code may destroy any animal that the officer find injuring or viciously attacking a person or domestic animal.
- b. Where the officer acted in good faith, a peace officer who destroys an animal pursuant to subsection a. is not liable to the owner for the value of the animal.

## 14. ENTRY AND SEARCH

- a. If a peace officer as defined by the Criminal Code or a designated officer has reasonable grounds to believe that an animal 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 animal in accordance with Section 378(1) of *The Municipalities Act*, and as amended from time to time by the Act:

*378(1) A peace officer or a designated officer who has reasonable grounds for believing that an animal is dangerous or has been ordered to be destroyed or otherwise disposed of and is in or on any premises other than a private dwelling may, with or without a warrant:*

- (a) enter the premises;*
- (b) search for the animal; and*
- (c) either impound the animal or, if there is an order to destroy or otherwise dispose of the animal, deliver the animal to the person appointed in the order to destroy or otherwise dispose of it.*

(2) notwithstanding subsection (1), a peace officer or designated officer shall not enter any place that is a private dwelling without:

- (a) the consent of the owner or occupant of the private dwelling; or
- (b) a warrant issued pursuant to subsection (3) authorizing the entry.

(3) if it appears to a justice of the peace or provincial court judge that, based on evidence presented by a peace officer or designated officer under oath, there are reasonable grounds to believe that an animal that is dangerous or has been ordered to be destroyed or otherwise disposed of is in a private dwelling, the justice of the peace or provincial court judge may issue a warrant authorizing a peace officer or designated officer to enter the private dwelling specified in the warrant and search for the animal.

(4) On issuance of a warrant pursuant to subsection (3), the peace officer or designated officer may:

- (a) enter the private dwelling;
- (b) search for the animal; and
- (c) either impound the animal or, if there is an order to destroy or otherwise dispose of the animal, deliver the animal to the person appointed in the order to destroy or otherwise dispose of it.

#### 15. CHARGES MAY BE ADDED TO PROPERTY TAXES

- a. If a person owes the Town for costs incurred by the Town with respect to a dangerous animal, the Town may add the amount owing to the tax roll of any parcel of land for which the person is the assessed person.
- b. If an amount is added to the tax roll of a parcel of land pursuant to Section 14(a), the amount:
  - (i) is deemed for all purposes to be a tax imposed pursuant to Section 369 of *The Municipalities Act* from the date it was added to the tax roll; and
  - (ii) shall form a lien against the parcel of land in favour of the Town from the date it was added to the tax roll.

#### 16. CRITERIA FOR MUZZLE AND LEASH FOR DANGEROUS ANIMALS

- a. Where an animal that has been declared dangerous pursuant to Section 11(c) of this bylaw is removed from the owner's property, the animal shall be equipped with a muzzle and be secured by a leash in accordance with the following criteria:
  - (i) the animal shall be fitted with a collar or harness for the body that is properly placed and fitted on the animal;
  - (ii) the movement of the animal shall be controlled by a person by means of a leash attached to the collar or harness of the animal;
  - (iii) the leash shall not exceed 1.2 metres in length and shall be constructed of a material having a tensile strength of at least 40 kilograms;
  - (iv) the muzzle on the animal shall be properly fitted on the animal to prevent it from biting any animal or person;
  - (v) the muzzle shall be fitted on the animal in a manner that it will not interfere with the vision or respiration of the animal.

#### 17. INOCULATION OF DANGEROUS ANIMALS

- a. Where an animal has been declared to be dangerous pursuant to Section 11(c) of this bylaw, the owner of the animal shall, at the owner's expense and within ten days of registering the animal, have the animal inoculated against rabies by a veterinarian and provide proof to a designated officer that the dog has been inoculated within ten (10) days.

- b. Where the owner of an animal provides proof that the animal has been inoculated against rabies during the period of 12 months prior to the date of the order, the owner is not required to comply with Section 16(a) of this bylaw, until the expiration of 12 months from the date of inoculations of the animal.

#### 18. ENCLOSURES FOR DANGEROUS ANIMALS

- a. If the animal is a dangerous animal or if a judge orders, pursuant to Section 11(c)(vi)(A) of this bylaw, that an animal be kept in an enclosure, the enclosure shall comply with the following criteria:
  - (i) the enclosure shall be substantially constructed of wood or any other building material to adequately contain the animal and prevent escape from the property. Any escape will prove that it is not adequate for the containment of the animal and measures shall be taken to prevent any further incidences of escape;
  - (ii) confine the animal; and
  - (iii) prevent the entry of children of tender years;
  - (iv) 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 animal from escaping from the enclosure.

#### 19. SIGNS FOR DANGEROUS ANIMALS

- a. Where an animal has been declared dangerous pursuant to Section 11 (c) of this bylaw, the owner of the animal shall, within ten days of registering animal, display a sign on his or her premises warning of the presence of the animal in the form illustrated in Appendix "B" of this bylaw;
- b. A sign required by Section 19(a) of this bylaw, shall be placed at each entrance to the premises where the animal is kept and on the enclosure in which the animal is confined; and
- c. A sign required by Section 19(a) of this bylaw, shall be clearly visible and capable of being read from any adjacent public road.

#### 20. QUARANTINE OF ANIMALS

- a. Where an animal has bitten a person or domestic animal, the owner of the animal shall, unless the animal is ordered destroyed, quarantine the animal for observation for symptoms of rabies for a period of not less than ten days in accordance with the *Animal Disease and Protection Act (Canada)*.

#### 21. RABIES TEST OF ANIMALS

- a. Every person who destroys an animal following the non-fatal biting of a person or domestic animal, whether the destruction is pursuant to an order of a judge or court or at the decision of the owner of the animal, shall, if the destruction is carried out before the completion of the quarantine period mentioned in Section 20 of this bylaw, retain the head of the animal in a manner usable for testing the animal for rabies.
- b. Where a person destroys an animal in the circumstances described in Section 21(a) of this bylaw, the person shall immediately notify a veterinarian or a peace officer that he or she is in possession of the head of an animal to be tested for rabies.

#### 22. APPOINTMENT OF DESIGNATED OFFICERS

- a. The Bylaw Enforcement Officer, Pound Keeper and/or the Animal Control Officer shall be designated officers for the purposes of this bylaw.
- b. The Bylaws Enforcement Officer, Pound Keeper and the Animal Control Officer are authorized to delegate enforcement of this bylaw to their employees.

#### 23. OWNING AND HARBORING EXOTIC AND WILD ANIMALS

- a. No person shall own or harbor any animal, or hybrid of any animal, of the kind listed in Appendix "C" for any purpose.

- b. No person, partnership or corporation, whether operated separately or in connection with another business enterprise, shall operate a pet store that buys, sells, trades, exhibits or harbors any animal or hybrid of any animal of the kind listed in Appendix "C".

#### 24. GENERAL PENALTY

- a. A person who contravenes any provision of this bylaw or neglects or refuses to comply therewith shall be guilty of an offence and liable upon summary conviction to a fine of not less than \$100.00 and:
  - (i) in the case of an individual, to a fine not exceeding \$10,000.00, or imprisonment for not more than six months or both;
  - (ii) in the case of a corporation, to a fine not exceeding \$25,000.00, or imprisonment of the directors of the corporation for not more than one year, or both.

#### 25. LIVESTOCK AND POULTRY

- a. For purposes of this section, the following definitions shall apply:
  - i) **livestock** - means any domestic animal usually raised for sale and profit, including but not necessarily limited to:
    - (1) an animal as defined in Section 2(b) of *The Stray Animal Act*; or
    - (2) an animal as defined in Sections 2 & 3 of *The Stray Animals Regulations, 1999*.
  - ii) **poultry** - means:
    - (1) domestic fowl usually propagated and fattened for the table and for their eggs, feathers, etc., including but not limited to chickens, geese, ducks, turkeys, guinea fowl; or
    - (2) pigeons of the species *Columba Livia*, commonly known as the domestic pigeon and includes pigeons raised for the purpose of racing, show, table and pets and includes feral pigeons.
- b. No person shall possess, harbor, confine, herd, graze or allow grazing of any livestock or poultry within the limits of the Town.
  - a. Section 25(b) shall not apply to livestock and poultry brought in to the Town for the duration of a special event at which the said livestock and poultry will be used for purposes of exhibition or performing at a special event.

#### 26. PENALTY

- 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 "A" attached to and forming part of this bylaw may be served on such person by the Bylaw Enforcement Officer or designated Town employee.
- b. A person to whom a ticket is being issued pursuant to this section shall furnish the Bylaw Enforcement Officer or designated Town employee with his/her name and address upon request.
- c. Notwithstanding Section 15 of this bylaw, a person who contravenes any provision of this bylaw upon being served with a ticket may voluntarily pay the prescribed penalty as set forth in Schedule "C" to this bylaw as amended from time to time by resolution of Council.
- d. Should the Town receives voluntary payment of the prescribed penalty within seven (7) days from the date the ticket was issued, the person receiving the ticket shall not be liable for prosecution for the offence.
- e. 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 offence.

27. REPEAL

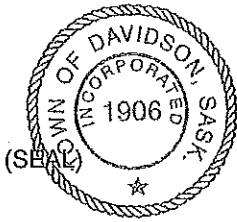
a. Bylaw No. 688 is hereby repealed.

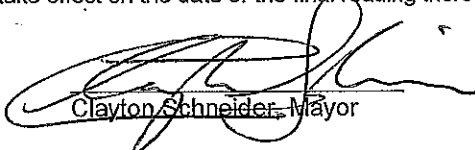
28. SEVERABILITY

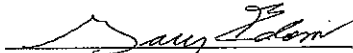
A decision of the Court that one or more of the provisions of this bylaw are invalid in whole or in part does not affect the validity, effectiveness or enforceability of the other provisions or parts thereof with respect to this bylaw.

29. EFFECTIVE DATE

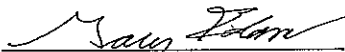
This bylaw shall come into force and take effect on the date of the final reading thereof.



  
Clayton Schneider, Mayor

  
Gary Edom, Administrator

Read a third time and adopted this  
15<sup>th</sup> day of October, 2013

  
Gary Edom, Administrator

**SCHEDULE "A"**  
**to Bylaw No. 751**

**Annual Registration Fees**

Annual Registration Fee for Non-Restricted Sterilized Dog(s) (Section 3)  
\$10.00 for 1<sup>st</sup> dog per year, \$20.00 for 2<sup>nd</sup> dog per year

Annual Registration Fee for Non-Restricted Non-Sterilized Dog(s) (Section 3)  
\$20.00 for 1<sup>st</sup> dog per year, \$40.00 for 2<sup>nd</sup> dog per year

Annual Registration Fee for Dog(s) deemed Dangerous (Section 3)  
\$200.00 for 1<sup>st</sup> dog per year, \$400.00 for 2<sup>nd</sup> dog per year

Annual Registration Fee for Working Guide Dog (Section 3)  
\$0 per dog per year

- **GST is applicable to all above listed registration fees**

**SCHEDULE "B"**  
**to Bylaw No. 751**

**Dog Pound Fees**

**Impoundment:**

First offence	\$50.00 plus \$10.00 per day or part thereof
Subsequent offenses	\$100.00 plus \$10.00 per day or part thereof
Care and Sustenance Fee	\$10.00 per day or a portion thereof commencing at 12:00 AM on the day immediately following the day of impoundment.

**SCHEDULE "C"  
to Bylaw No. 751**

**OFFENSE**

**PENALTY**

	<b>1st Offence</b>	<b>2nd Offence</b>	<b>Subsequent Offences</b>
1. Running at Large (Sec5)	\$ 100.00	\$ 200.00	\$ 400.00
2. Unlicensed Animal (Sec. 3)	\$ 100.00	\$ 200.00	\$ 400.00
3. Animal Not Wearing License (Sec.3)	\$ 100.00	\$ 200.00	\$ 400.00
4. Exceeding Number of Animals (Sec 4)	\$ 100.00	\$ 200.00	\$ 400.00
5. Dog/Cat Creating a Nuisance (Sec.9)	\$ 100.00	\$ 200.00	\$ 400.00
6. Failure to Remove Defecation (Sec.8)	\$ 50.00	\$ 100.00	\$ 200.00
7. Accumulation of Animal Feces (Sec 8)	\$ 50.00	\$ 100.00	\$ 200.00
8. Interference with Enforcement (Sec.6)	\$ 100.00	\$ 200.00	\$ 400.00
9. Untie or free an animal (Sec.3)	\$ 50.00	\$ 100.00	\$ 200.00
10. Willfully open gate or door to allow escape (Sec.3)	\$ 50.00	\$ 100.00	\$ 200.00
11. Tease, throw things at cat or dog (Sec.3)	\$ 50.00	\$ 100.00	\$ 200.00
12. Interfere or obstruct Bylaw Enforcement Officer (Sec. 6)	\$ 100.00	\$ 200.00	\$ 400.00
13. Exotic/Wild Animals (Sec.23)	\$ 50.00	\$ 100.00	\$ 200.00

Reduce penalty by 25% if paid within 7 days of issuance.

**OFFENSE - DANGEROUS DOGS**

	<b>1st Offense</b>	<b>Subsequent Offenses</b>
1. Failure to obtain and keep in force registration (Sec 3)	\$250.00	\$500.00
2. Failure to maintain a policy of liability insurance (Sec.11)	\$250.00	\$500.00
3. Failure to confine in proper enclosure when on owner possessor or harboree's premises (Sec. 11)	\$250.00	\$500.00
4. Failure to muzzle and harness or leash when off premises of owner, possessor or harboree (Sec 11)	\$250.00	\$500.00
5. Failure to prevent from running at large (Sec 12)	\$250.00	\$500.00

**SCHEDULE "D"  
to Bylaw No. 751**

**REPLACEMENT TAGS**

**\$ 5.00 per tag**

**Appendix "A"**  
**to Bylaw No. 751**

<b>NOTICE OF VIOLATION</b>			
<i>Town of Davidson</i>			
<b>AVOID PROSECUTION BY PAYING PROMPTLY</b>			
NAME OF VIOLATOR			
BOX	ADDRESS		POSTAL CODE
DATE ISSUED YEAR	MONTH	DAY	TIME
LICENSE NUMBER		EXPIRY YEAR	PROV.
VEHICLE MAKE		TYPE OF BODY	COLOR
VIOLATION <input type="checkbox"/> TRAFFIC BYLAW NO. _____ <input type="checkbox"/> ANIMAL CONTROL BYLAW NO. _____ <input type="checkbox"/> OTHER BYLAW NO. _____			
DESCRIPTION OF VIOLATION			
LOCATION OF VIOLATION			
<input type="checkbox"/> OWNER OF DOG		<input type="checkbox"/> POSSESSOR OR HARBORER OF DOG	
YOU ARE CHARGED WITH VIOLATION OF BYLAW NO. _____ SECTION(S): _____			
<b>PENALTY</b>		<b>PAYMENT INDICATED</b>	
<b>\$</b>	\$ _____ REDUCED PENALTY IF PAYMENT MADE WITHIN _____ DAYS OF ISSUE		
	NO REDUCTION ALLOWED PAY WITHIN _____ DAYS OF ISSUE DATE		
<b>PENALTY TO BE PAID DURING REGULAR OFFICE HOURS OR BY MAIL AT THE TOWN OF            DAVIDSON, 210 Washington Avenue or BOX 340, Davidson, SK S0G 1A0</b>			
ISSUER		DATE	TICKET NUMBER.



Appendix "B"  
to Bylaw No. 751

# WARNING



## DANGEROUS ANIMAL ON PREMISES

TOWN OF DAVIDSON BYLAW NO. 751

**Appendix "C"**  
**to Bylaw No. 751**

The following being a list of animals the keeping of which is prohibited within the Town of Davidson:

- All Arachnids dangerous to humans (such as scorpions and tarantulas, except tarantulas of the genera Aphonopelma, Avicularia and Grammostola)
- All Artiodactylus Ungulates, except domestic goats, sheep and cattle
- All Bats
- All Canids, except the domestic dog
- All Crocodylians (such as alligators, crocodiles and caimans)
- All Edentates (such as anteaters, sloths and armadillos)
- All Elephants
- All Felids, except the domestic cat
- All Hyaenas
- All Marsupials (such as kangaroos and opossums)
- All Mustelids (such as skunks, weasels, otters and badgers) except the domestic ferret
- All non-human Primates (such as gorillas and monkeys)
- All Perissodactylus Ungulates, except the domestic horse, mule and ass
- All Pinnipeds (such as seals, fur seals and walruses)
- All Procyonids (such as raccoons, coatis and cacomisties)
- All Raptors, diurnal and nocturnal (such as eagles, hawks and owls)
- All Ratite Birds (such as ostriches, rheas, and cassowaries)
- All snakes of the families Pythonidae and Boidae
- All Ursids (bears);
- All venomous Reptiles and Amphibians;
- 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.

Appendix "D"  
to Bylaw No. 751

COMPLAINT FORM

On \_\_\_\_\_ at approximately \_\_\_\_\_ AM/PM,

a dog described as follows:

---

---

Which I personally know to be owned by:

---

---

Address:

---

---

Did 'run at large' and is, in my opinion, deemed to be a 'public nuisance' or did create a 'public nuisance' by:

---

---

---

---

---

---

Photos attached

I hereby request the Town of Davidson to take action against the owner(s) of the above mentioned dog. I understand that if the owner decides to defend himself against the charge, a summons will be issued, and I will be called upon to testify in a Court of Law and I hereby agree to do so.

DATED at Davidson, Saskatchewan, on this \_\_\_\_\_ day of

\_\_\_\_\_

Signed: \_\_\_\_\_

Witnessed: \_\_\_\_\_

Appendix "E"  
to Bylaw No. 751

APPLICATION TO REGISTER AN ANIMAL IN THE TOWN OF DAVIDSON

1. Name of Dog Owner:

\_\_\_\_\_

2. Address:

\_\_\_\_\_

Box \_\_\_\_\_ Street Address \_\_\_\_\_

\_\_\_\_\_

Town \_\_\_\_\_ Postal Code \_\_\_\_\_

\_\_\_\_\_

Phone - home \_\_\_\_\_ Phone - work \_\_\_\_\_

3. Description of Dog:

Breed: \_\_\_\_\_

Distinct Markings: \_\_\_\_\_

Color: \_\_\_\_\_

Sex: \_\_\_\_\_ Spayed or Neutered Yes \_\_\_\_\_ No \_\_\_\_\_

Age: \_\_\_\_\_

Name: \_\_\_\_\_

Working Guide Dog? Yes \_\_\_\_\_ No \_\_\_\_\_

Has this dog been declared a dangerous dog by any jurisdiction?  
Yes \_\_\_\_\_ No \_\_\_\_\_

4. Liability Insurance:

Name of Insurer: \_\_\_\_\_

Address: \_\_\_\_\_

Proof of Insurance provided to Village Office?  
Yes \_\_\_\_\_ No \_\_\_\_\_

Amount: \_\_\_\_\_

Policy Date: \_\_\_\_\_

Provision in Policy for Notification of Cancellation /Expiry/Termination  
Yes \_\_\_\_\_ No \_\_\_\_\_

5. Amount of License Fee: \$ \_\_\_\_\_

Date Paid: \_\_\_\_\_

\_\_\_\_\_

Application Date

\_\_\_\_\_

Signature of Applicant

**FOR OFFICE USE ONLY**

DATE LICENSE ISSUED: \_\_\_\_\_

LICENSE #: \_\_\_\_\_

PROOF OF INSURANCE POLICY RECEIVED? YES  NO

DATE REC'D \_\_\_\_\_