

VILLAGE OF MIDDLE LAKE

BYLAW #1/2007

DOG BYLAW

A BYLAW OF THE VILLAGE OF MIDDLE LAKE TO REGISTER, LICENSE, REGULATE, RESTRAIN AND IMPOUND DOGS CITED AS THE DOG BYLAW.

The Council of the Village of Middle Lake, In the Province of Saskatchewan, enacts as follows:

I. DEFINITIONS:

For the purpose of this bylaw the expression:

1. ADMINISTRATOR means the Village Administrator of Middle Lake or an employee of the Village designated by the Administrator to act on behalf of the Village.
2. COUNCIL means the Council of the Village of Middle Lake.
3. DANGEROUS DOG/HIGH RISK DOG/RESTRICTED DOG shall mean:
 - a. Any dog which has without provocation, in a vicious or menacing manner, chased or approached a person or domestic animal in an apparent attitude of attack;
 - b. Any dog having an inclination, tendency, or disposition to attack without provocation, to cause injury or to otherwise threaten the safety of persons or domestic animals;
 - c. Any dog which has without provocation, bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal;
 - d. Any dog owned primarily or in part for the purpose of dog fighting or is trained for dog fighting;
 - e. Any dog without provocation, that threatens or creates reasonable apprehension of a threat to other animals or humans;
But shall not include:
 - f. Any dog acting in the performance of police work;
 - g. Any dog working as a guard dog on commercial property which is:
 - i. Securely enclosed on the property by a fence or other barrier sufficient to prevent the escape of the dog and the entry of children of pre-school age; and
 - ii. Defending that property against a person who is committing or attempting to commit an offence.

Restricted dog: Pit Bull Terrier, American Pit Bull Terrier, Pit Bull, Staffordshire Bull Terrier, Bull terrier, American Staffordshire Terrier, Doberman Pinscher, Rottweiler, German Shepherd, Rhodesian Ridgeback, Wolf Hound, Wolf Cross, Coyote Cross, Bulldog, Bull Mastiff or any dog of mixed breeding which includes any of the aforementioned breeds which can be identified through its physical characteristics by a Veterinarian licensed to practice in Saskatchewan; or a dog declared dangerous under Sections 374-375 of the Municipality Act.2005. Any dog that has been trained as a guard dog where such training involves physical attachment on an intruder where such animal is not engaged in guarding a residence or business premises.

4. DOG shall mean and include both male and female dogs and wherever the term is used herein, it shall be construed to mean both male and female dogs except where the context precludes such reference.
5. DOG CATCHER shall mean a person designated and appointed by Council or the Administrator to check and sell dog licenses, apprehend and impound dogs running at large

6. JUDGE means a judge of the Provincial Court of Saskatchewan, who is authorized to carry out the 'Dangerous Dog' provisions of the Municipalities Act and amendments thereto.
7. OWNER includes:
 - a. A person who keeps, possesses or harbours a dog;
 - b. The person responsible for the custody of a minor where the minor is the owner of the dog;But does not include:
 - c. A veterinarian registered in accordance with The Veterinarians Act, S.S. 1987 and amendments thereto who is keeping or harbouring a dog for the prevention, diagnosis or treatment of a disease or injury;
 - d. The Village of Middle Lake, its agents and employees, the Saskatchewan Society for the Prevention of Cruelty to Animals, a local society for the prevention of cruelty to animals or a humane society operation pursuant to the provisions of the Animal Protection Act, and amendments thereto with respect to an animal shelter or impoundment facility operated by any of them.
8. PROVOCATION means an act done intentionally for the purpose of provoking a dog.
9. POUNDKEEPER shall mean a person designated and appointed by Council or the Administrator to maintain a suitable accommodation (pound) for the keeping of impounded dogs.
10. RUNNING AT LARGE shall mean a dog which is off the premises of its owner and is not on a leash.
11. VILLAGE shall mean the Village of Middle Lake, Saskatchewan.

II. OFFENCES:

12. No OWNER shall allow a dangerous dog or high risk/restricted dog to be anywhere except on the owner's property, or in an enclosure that confines the dog or closed vehicle, when being transported.
13. No person shall keep, possess or harbour any dog which is not licensed in accordance with Section III of this Bylaw.
14. No person shall keep, possess or harbour more than TWO dogs in one building or residence,
15. No owner shall permit any dog to be outside the boundary of any premises or lands occupied by the owner unless:
 - a. The dog is kept in an enclosure which confines the dog or
 - b. The dog is fitted with a collar or a harness for the body that is properly placed and fitted on the dog and the movement of the dog is controlled by a person by means of a leash attached to the collar or harness on the dog; and
 - c. The leash is less than 1.2 meters in length and is constructed of a material having a tensile strength of a least two times the weight of the dog.
 - d. Any dog that is listed as a restricted dog must be muzzled when outside the boundary of the owner's property and leashed at all times.
16. No owner shall permit a dog to create a disturbance by barking, howling, chasing a person or animal or in any other way causing an interference with the lawful use and enjoyment of public or private property by any other person.
17. If a dog defecates on any public or private property other than the property of its owner, the owner of the dog shall remove the defecation immediately,

18. Section 17 shall not apply to a person who owns and is physically reliant on a guide dog trained and used to assist such person.
19. An owner or occupant of private property must not allow animal feces to accumulate on the property as to create a health hazard.
20. The Dog Catcher or Administrator may personally 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.
21. Now owner shall allow any dog, which without provocation, bites, inflicts injury, assaults or otherwise attacks a person or domestic animal.

III. LICENSING:

22. Every person who owns, possesses or harbours a dog within the Village limits, shall register and obtain a license for the said dog from the Village Office or Dog Catcher, on or before January 31st in each year, or immediately after the date of possession. The exception of the years 2007 and 2008, licenses must be purchased by August 15, 2007 which will be valid for the remainder of 2007 and all of the year 2008.
23. The Dog Catcher is authorized to register, record the registration and issue licenses in conformity with this Bylaw.
24. When applying for a license, the applicant must furnish a description of the dog including sex, colour, breed and any other identification information which may be required by the Town.
25. The Village shall furnish a license tag showing the words "Middle Lake", license number and year to the owner of the dog or applicant.
26. Every owner shall cause his/her dog to wear a collar around its neck with the license tag attached at all times.
27. The owner of any dog within the Village shall, on demand of the Administrator or Dog Catcher, show his/her license receipt or other evidence that he/she has paid the license fee provided in this Bylaw for the current year.
28. All licenses expire on December 31st of the year in which they are issued.
 - a. The license fee for each male or female dog shall be twenty (\$20.00).
 - b. The license fee for each high risk/restricted male or female dog shall be one hundred (\$100.00). Every owner of male or female high risk/restricted dogs, it is mandatory that a chain link covered enclosure which measures no less than 7 ½ x 13 feet, is 6 feet high and locked at all times is provided for the dog. Failure to provide proper holding facility will result in penalties listed in section 41 of this Bylaw.
 - c. All owners must license every pup after 90 days of birth.
 - d. A dog owned by a sightless person and used as a guide, shall be registered and licensed as provided in this Bylaw without charge.
 - e. A dog that is within Village limits for more than 48 hours must be licensed.

IV. IMPOUNDING:

- 29.
30. For the purpose of impounding any dog found running at large in the Village, a pound shall be established at such place as may from time to time be designated by Council as a pound.

31. The Village may appoint a Poundkeeper to carry out the provisions of this Bylaw.
32. The Village is authorized to appoint a Dog Catcher or Dog Catchers to apprehend, restrain and impound any dog or dogs running at large in the Village; to issue violation notices and to carry out additional duties in the enforcement of this Bylaw.
33. Notwithstanding the provisions of Subsection 30, any person of legal age may restrain any dog running at large in the Village and deliver the dog restrained to the Dog Catcher. Such person shall provide a statement in writing, describing the dog restrained, the name of the owner if known, and the time and place of restraint.
34. The Poundkeeper shall keep a record of all dogs impounded and of the date, time and disposal.
35. Each dog impounded under the authority of this Bylaw shall be kept by the Poundkeeper in the Village pound for at least seventy-two (72) hours, unless the owner claims the dog and pays all related fines and penalties.

V. RELEASE OF IMPOUNDED DOGS:

36. All dogs impounded in the dog pound shall be confined therein for a period of up to seventy-two (72) hours from the time of capture, excluding Saturdays, Sundays and Statutory holidays, during which time the owner shall have the right to claim and repossess the dog upon paying all outstanding fees at the Village Office.
37. For the purpose of Subsection 36 above, the daily charge for housing, feeding and watering a dog while in the pound, is twenty (\$20.00) dollars per day. The impounding fees are as follows:
 - a. For the first time a dog is impounded, the fee shall be one hundred (\$100.00) dollars or two hundred (\$200.00) for high risk/restricted dogs
 - b. For the second time the dog is impounded, the fee shall be two hundred (\$200.00) or four hundred (\$400.00) for high risk/restricted dogs.
 - c. For the third and each consecutive time the dog is impounded, the fee shall be five hundred (\$500.00) dollars or one thousand (\$1000.00) for high risk/restricted dogs.

VI. DISPOSAL OF DOGS SUSPECTED OF HAVING RABIES:

38.
 - a. Any dog suspected of having rabies shall not be killed but shall be secured and isolated for seven (7) days and the matter immediately reported to the Medical Health Officer for the Town.
 - b. Where, in the opinion of the Medical Health Officer, rabies infection has reached proportions where mass vaccination is indicated, every person who owns, harbours or possesses a dog within the Village, shall cause such dog to be inoculated against rabies.
 - c. A certificate issued by a qualified veterinarian certifying that a dog has been inoculated against rabies shall be prima facie evidence that such animal has been inoculated.

VII. DISPOSAL OF UNCLAIMED DOGS:

39. In case a dog is impounded and is not claimed within seventy-two (72) hours as here before mentioned in Subsection 35, the dog may be disposed of without further notice in the following manner:

- a. Disposal by adoption to a non-resident, S.P.C.A., Humane Society or the College of Veterinary Science, University of Saskatchewan.
- b. Disposal by euthanasia.

VIII. ENFORCEMENT AND PENALTIES:

40. Whereas any person has committed or alleged to have committed a breach of the provisions of subsection 22 of the Bylaw, all penalties must be paid and current licenses must be purchased.

41.

- a. Where any person has committed or alleged to have committed a breach of the provisions of subsection 13, 14,15 and 28 of this Bylaw, it shall not be necessary for the Dog Catcher to catch the dog, but the Dog Catcher may serve on such person a summons. Such person may pay to the Village at the Village Office, during regular business hours, a penalty as follows:
 - i. For a first infraction, the sum of one hundred (\$100.00) dollars or two hundred (\$200.00) dollars for high risk/restricted dogs.
 - ii. For a second infraction, the sum of two hundred (\$200.00) dollars or four hundred (\$400.00) dollars for high risk/restricted dogs.
 - iii. For a third and each consecutive infraction, the sum of five hundred (\$500.00) dollars and the Village may request a court order prohibiting the owner to possess dogs within the town limits.
- b. Payment must be made within ninety-six (96) hours from the service of the said ticket. If payment is made within such time and accepted, the person shall not be liable to prosecution for the offense.
- c. Service of such ticket shall be made by mailing by registered mail or personal service upon such person.
- d. Where a person has committed or alleged to have committed a breach of the provisions in Section 21 the fine shall be five hundred (\$500.00), the dog shall be impounded and the provisions of section 44 will be enforced.
- e. If the person who has committed or alleged to have committed a breach of Subsections 13, 14, 15 or 21 of this Bylaw, fails to pay the specified penalty within the provisions of subsection (b) of this section, then the provisions of this section shall no longer apply and the person shall be liable to prosecution for the offense in the ordinary way, providing that nothing in this section shall prevent any person served with such ticket from exercising his/her right to defend any of the particularized offenses.

42. The following municipal officials are hereby designated to be judges in accordance with declaring a dog high risk/restricted:

- a. The Dog Catcher;
- b. The Poundkeeper; and
- c. The Administrator

43. Any complaint that any person as committed or is alleged to have committed a breach of any of the provisions of this bylaw or a complaint that a dog is dangerous may be made to a judge.
44. If upon information of complaint, it is alleged that a dog has bitten or attempted to bite any person, the matter will be dealt with as set out in The Municipalities Act.
45. Any person convicted of a breach of the provisions of this Bylaw, except for a breach of Subsections 13, 14, 15 and 21 shall be subject to the penalty.
46. Disobey a Bylaw enforcement Officer/Dog Catcher
 - a. It shall be an offence for any person to harass, threaten, use excessive profanity or to disobey a Bylaw Enforcement Officer/Dog Catcher.
47. No person whether or not he is the owner of a dog which is being or has been pursued or seized shall:
 - a. Interfere with or attempt to obstruct a Bylaw Enforcement Officer who is attempting to seize or has seized any dog in accordance with the provisions of this Bylaw.
 - b. Unlock or unlatch or otherwise open the vehicle in which dogs seized under this Bylaw have been placed, so as to allow or attempt to allow any dog to escape there from.
 - c. Remove or attempt to remove any dog from the possession of the Bylaw Enforcement Officer/Dog Catcher.
48. Penalty: Disobey Bylaw Enforcement Officer/Dog Catcher one hundred (\$100.00).
49. A Bylaw Enforcement Officer or Peace Officer may enter onto land surrounding any building in pursuit of any dog which has been observed running at large.

IX. GENERAL:

50. This Bylaw shall come into force on June 12, 2007.

Introduced and read a first time this 12th day of June, 2007.

Read a second time this 12th day of June, 2007.

Read a third time this 12th day of June, 2007.

Administrator

Mayor