

TOWN OF DELISLE

BYLAW NO. 5-2008

A BYLAW TO LICENCE ANIMALS, TO REGULATE THE RUNNING AT LARGE OF ANIMALS AND TO REGULATE THE HARBOURING OF ANIMALS.

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

1. NAME

This bylaw shall be cited as "The Animal Control Bylaw".

2. DEFINITIONS

In this bylaw including this section:

- (a) "Animal" shall mean and include all dogs, cats or any other type of household pet that is permissible to harbour within the municipality.
- (b) "Animal Warden" shall mean any corporation, person or persons engaged by the municipality for the purposes of checking for licences, capturing and impounding animals under the provisions of this bylaw.
- (c) "Clerk" means the Clerk/Administrator of the municipality.
- (d) "Dog" shall mean and include every dog of either sex, or neutered.
- (e) "Dog Run" shall mean a permanent structure outside of a residential dwelling unit, used for the containment of a dog.
- (f) "Judge" shall mean a provincial court judge or a justice of the peace.
- (g) "Municipality" means the Town of Delisle.
- (h) "Owner" shall mean:
 - (1) any person, persons, partnership, association or corporation who owns or harbours or keeps or allows any animal to remain about their house, home, place of residence or premises; or
 - (2) the person responsible for the custody of a minor where the minor is the owner of the animal.
- (i) "Poundkeeper" shall mean a person, corporation, society or organization as may from time to time be appointed by the municipality for the purpose of retaining impounded animals pursuant to this Bylaw.
- (j) "Running at Large" shall mean when an animal is beyond the boundaries of the land occupied by the owner, possessor, or harbourer of the said animal or beyond the boundaries of any lands where it may be with the permission of the owner or occupant of the said land and when it is not under control by being:
 - (1) securely confined within an enclosure; or
 - (2) securely fastened or leashed so that it cannot roam at will.

3. LICENCES AND LICENCE FEES

- (a) Every person within the municipality who owns or possesses, or harbours a dog over six months old shall obtain a licence from the clerk.
- (b) The licence fee shall be \$10.00 per dog.
- (c) The licence shall be in effect from the date of purchase until the dog is deceased or is permanently removed from the municipality.
- (d) A licence is not transferable from one dog to another.
- (e) Every person to whom a licence has been issued under this bylaw shall cause his or her dog to wear a collar to which the licence tag issued by the municipality pursuant to this bylaw shall be attached.
- (f) A person residing in the municipality who owns, possesses or harbours a dog, and neglects or refuses to take out a licence therefore shall be deemed guilty of an infraction of this bylaw.

4. DOGS BARKING OR HOWLING

- (a) No person who owns, keeps, harbours, or allows a dog to stay in his premises shall allow such dog to bark excessively or howl excessively.
- (b) Any person who allows a dog to bark excessively or howl excessively shall be deemed guilty of an infraction of this bylaw.
- (c) The municipality may issue a written order under Section 7 if there is anything in the physical environment that the dog is being kept in that can be remedied that would prevent said dog from barking or howling excessively or that would lessen its nuisance factor.
- (d) The municipality may apply to a judge to have a dog that barks or howls excessively, at the owner's expense, muzzled, fitted with a collar or device that deters barking or permanently removed from the municipality.

5. RUNNING AT LARGE

- (a) No animal shall run at large in the municipality.
- (b) Any person who owns, possesses, or harbours an animal found running at large shall be deemed guilty of an infraction of this bylaw.
- (c) Any person who sees an animal running at large, and can positively identify the animal, can file a written complaint at the Town Office. Written complaints shall be in Form "2" attached to and forming part of this bylaw.
- (d) The Animal Warden or any other person designated by the municipality shall capture all animals found running at large and place them in the municipal pound.
- (e) Any animal found running at large that attacks or bites a person shall be, at the owner's expense:
 - (1) destroyed in accordance with any order or recommendation by a medical health officer; or
 - (2) permanently removed from the municipality.

6. HARBOURING OF DOGS

- (a) Where an owner possesses a dog that displays outward signs of aggression such as threatening barking, growling, snapping, lunging, frothing at the mouth, etc., such owner shall ensure that the dog is properly restrained or contained whether it is on or off its own property.
- (b) Where a dog displays aggressive behavior as described in subsection (a), the owner shall ensure that proper precautions have been taken to prevent the dog from escaping from its harboured property and that children of tender age can not gain access to the property or the dog.
- (c) Where a municipality believes an owner has not taken the necessary precautions to contain an aggressive dog as required in subsection (b), the municipality may issue a written order requiring the owner of the property to remedy any lack of physical containment as identified by the municipality.
- (d) An order written under subsection (c) is not limited to the following but may contain any or all of the following requirements:
 - (1) repair or construction of a property line fence;
 - (2) repair or construction of a dog run;
 - (3) physically moving the dog run or containment area of the dog from one area of the property to a more suitable area on the property;
 - (4) locking of perimeter fences or dog runs;
 - (5) posting warning signs on the perimeter of the property advising the public of the presence of a dog of an aggressive nature.

7. ORDERS TO REMEDY CONTRAVENTIONS

- (a) Inspections to determine if a written order should be issued under this Bylaw shall be carried out in accordance with Section 362 of The Municipalities Act.
- (b) Orders given under this Bylaw shall comply with Section 364 of The Municipalities Act.
- (c) Orders given under this Bylaw shall be served in accordance with Section 390(1)(a), (b) or (c) of The Municipalities Act.
- (d) A person may appeal an order given under this Bylaw in accordance with the procedure set forth in Section 365 of The Municipalities Act.
- (e) The municipality may, in accordance with Section 366 of The Municipalities Act, take whatever actions or measures necessary to ensure that an order given under this Bylaw is fully complied with.
- (f) In an emergency, the municipality may take whatever actions or measures are necessary to eliminate the emergency in accordance with Section 367 of The Municipalities Act.
- (g) Any unpaid expenses and costs incurred by the municipality in ensuring that an order given under this Bylaw is fully complied with may be recovered either:
 - (1) by civil action for debt in a court of competent jurisdiction in accordance with Section 368 of The Municipalities Act; or
 - (2) by adding the amount to the taxes on the property on which the work is done in accordance with Section 369 of The Municipalities Act.

8. POUND/POUND FEES

- (a) The Animal Warden or any other person may take any animal found running at large contrary to the provisions of this bylaw to the municipal pound, where it shall be kept for One Hundred Sixty-Eight (168) hours unless the owner, possessor, or harbourer redeems the animal by paying the clerk:
 - (1) the applicable pound fee as set out in Schedule "A" for the care and keep of each animal; and
 - (2) all related fines assessed against the animal; and
 - (3) in the case of a dog over the age of six months being impounded, a dog licence fee if one has not yet been purchased.
- (b) The municipality may, in its sole discretion, destroy, find a suitable home for or turn over to the SPCA any animal which has not been redeemed within One Hundred Sixty Eight (168) hours. The clerk or poundkeeper may turn an animal over to the SPCA before this period expires if it is determined that the municipality/poundkeeper cannot sufficiently provide for the animal's well being or security.

9. VIOLATIONS

- (a) A person who contravenes any of the following provisions of this bylaw shall be guilty of an offense and upon summary conviction shall be liable to a penalty as follows:
 - (1) Section 3(f) - Neglects or Refuses to take out a Dog Licence - \$100.00
 - (2) Section 4(b) - Dog Barking Excessively or Howling Excessively; or Section 5(b) - Animal Running at Large:
First Offense - \$100.00
All Offenses Thereafter - \$200.00/each
 - (3) At the discretion of the Enforcement Officer, a warning ticket may be issued for contravention of any of the provisions of this bylaw.
- (b) A violator of this bylaw, upon being served with a Notice of Violation in Form "1" attached to and forming part of this bylaw, may, during office hours, voluntarily pay the penalty at the office of the municipality.
- (c) Voluntary payment of a penalty within 10 days of the issuance of a Notice of Violation will reduce the penalty by 50%.

10. SEVERABILITY

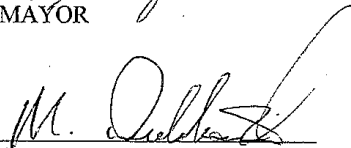
- (a) If any section, subsection, sentence, clause, phrase or other portion of this Bylaw is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the Court shall not affect the validity of the remaining portions of the Bylaw.

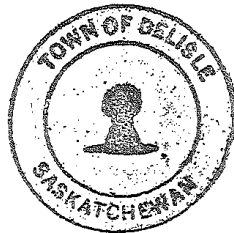
11. REPEAL BYLAWS

- (a) Bylaw Number 6-2002 is hereby repealed.

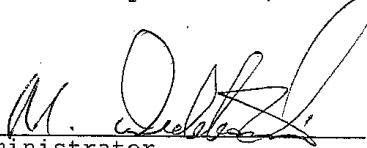



MAYOR


ADMINISTRATOR



"Certified a true copy of
Bylaw No. 5-2008 of the
Town of Delisle passed on
the 10th day of June, 2008."


Administrator

TOWN OF DELISLE

SCHEDULE "A" TO BYLAW NO. 5-2008

POUND FEES

A. IF HOUSED BY THE MUNICIPALITY ONLY

- 1) DOGS
\$40.00/dog plus \$10.00 per day, minimum fee of \$50.00.
- 2) CATS
\$40.00/cat plus \$10.00 per day, minimum fee of \$50.00.
- 3) ANIMALS OTHER THAN DOGS OR CATS
\$40.00/animal plus \$10.00 per day, minimum fee of \$50.00.

B. IF HOUSED BY THE SPCA

All municipal pound fees shall apply in addition to any fees charged by the SPCA.

FORM "1"

TOWN OF DELISLE
NOTICE OF VIOLATION

NAME: _____

ADDRESS: _____

POSTAL CODE _____

DETAILS OF OFFENSE:

DATE: _____ TIME: _____ P.M./A.M.

LICENCE NUMBER: _____

VEHICLE DESCRIPTION: _____

VIOLATION:

_____ PARKING BY-LAW NO. _____

_____ ANIMAL BY-LAW NO. _____

_____ OTHER BY-LAW NO. _____

DESCRIPTION OF VIOLATION: _____

LOCATION OF VIOLATION: _____

_____ OWNER _____ POSSESSOR OR HARBOURER

YOU ARE CHARGED WITH VIOLATION OF BYLAW NO. _____

SECTION(S) _____

PENALTY FOR THE ABOVE VIOLATION \$ _____

SPECIAL CONSTABLE

VOLUNTARY PAYMENT OF PENALTY WITHIN 10 DAYS OF THE
ISSUANCE OF THIS TICKET WILL REDUCE EACH PENALTY TO
_____. VOLUNTARY PAYMENT OF THE ABOVE PENALTY
MAY BE MADE AT THE MUNICIPAL OFFICE OF THE TOWN OF
DELISLE DURING REGULAR OFFICE HOURS OR BY MAIL.

IF YOU DO NOT MAKE A VOLUNTARY PAYMENT WITHIN THE
TIME SET OUT ABOVE, YOU SHALL BE LIABLE TO
PROSECUTION AND, UPON SUMMARY CONVICTION, YOU SHALL
BE LIABLE TO THE PENALTY PROVIDED UNDER
SECTION _____ OF THE SAID BYLAW.

WITNESS STATEMENT

I, _____ of _____
(Name of Complainant) (Civic Address)

in the Province of Saskatchewan, do declare and state that:

on the _____ day of _____, 20 ____
at _____ A.M./P.M.

Description of Animal as follows:

Type of Animal _____

Male _____ Female _____

Colour _____

Breed _____

Size of Animal _____

Licence _____ Yes _____ No _____

Licence Number _____

Collar _____ Yes _____ No _____

Running at Large _____ Yes _____ No _____

Dog Barking _____ Yes _____ No _____

Distinguishing Marks (if any) _____

Remarks: (Describe what animal was doing as well as stating the specific location and time. State name and address of owner/harbourer/possessor of animal, if known).

Dated at the _____ of _____, in the
Province of Saskatchewan, this _____ day of _____, 20 ____.

Witness Complainant