

TABLE OF CONTENTS
BYLAW NO. 1-08

1. TITLE, APPOLOCATION AND INTERPRETATION	1
1.1. SHORT TITLE	1
1.2 APPLICATION	1
1.3 INTERPRETATION	1
2. LICENSING	
2.1 LICENSING- APPLICATIONS	1
2.2 LICENSING- REQUIREMENT TO PROVIDE INFORMATION	1
2.3 LICENSING-OPERATION OF KENNELS:	1
2.4 IDENTIFICATION	1
3. CONTROL OF DOGS	2
4. INPOUNDING OF DOGS	2
4.1 ESTABLISMENT OF A POUND/APPOINMENT OF POUND KEEPER	2
4.2 RECORD OF IMPOUNDING	2
4.3 CAPTURE/REDEEMING OF DOGS	2
4.4 CARE OF DOG	2
4.5 POUND FEES	2
4.6 HINDERANCE TO POUND KEEPER	2
5. DANDEROUS AND RABID DOG	2
5.1 DANDEROUS DOGS	2
5.2 RABID DOGS	2
6. PENALTIES	3
6.1 BURDEN OF PROOF	3
6.2 COMPLIANCE	3
6.3 GENERAL FINES	3
6.4 SPECIFIC FINES – LICENSING, IDENIFICATION AND CONTROL OF DOGS	3
7. PAYMENT	3
8. REPEAL OF FORMER BYLAWS	3
9. COMING INTO FORCE	3
10. SCHEDULE “A” – LICENSE FEES / POUND FEES	4

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“BYLAW 1-08”
A BYLAW OF THE NORTHERN VILLAGE OF PINEHOUSE
IN THE PROVINCE OF SASKATCHEWAN
TO PROVIDE FOR THE REGULATION, CONTROL AND LICENSING OF DOGS

The council of the Northern Village of Pinehouse, in the Province of Saskatchewan, hereby enacts as follows

1. TITLE, APPLICATION AND INTERPRETATION

1.1 SHORT TITLE

This Bylaw may be cited as The Dog Licensing and Control Bylaw.

1.2 APPLICATION

That all of the provisions and enactment's set forth to this Bylaw shall relate to, and be in full force and effect within the limits of the Northern Village of Pinehouse.

1.3 INTERPRETATION

In this Bylaw, unless the context otherwise requires, the expression, work or phrase:

- (i) **Animal Control Officer** means that person(s) appointed by the Council or the Animal/Pest Control Committee (if established) for the purpose of enforcing this Bylaw, or any person authorized to act on his behalf.
- (ii) **Council** means the Council of the Northern Village of Pinehouse, and includes the Animal/Pest Committee (if established) by the Council;
- (iii) **Dog** means a dog, whether male or female, of any classification or breed, or mixture of breeds, and cross breeds.
- (iv) **Judge or Justice** means a Judge of and Provincial Court of Saskatchewan or a presiding Justice of the Peace.
- (v) **Kennel** means any structure or premises used by any person for the keeping, harboring, boarding or otherwise caring for, training, or whelping of dogs exceeding three dogs in number over the age of three (3) months, whether or not for reward, but does not include any premises occupied by a duly qualified veterinary surgeon for the practice of his profession;
- (vi) **License Inspector** means the License Inspector of the Northern Village of Pinehouse, and such other person as he may from time to time appoint in writing to act on his behalf for the purpose of enforcing the licensing provisions of this bylaw;
- (vii) **License Year** means the period from January 1st to December 31st, both dates inclusive, in each year;
- (viii) **Medical Health Officer** means the Medical Health Officer of Pinehouse, if any, and includes any other person acting under Provincial authority and having jurisdiction over health standards within the community;
- (ix) **Owner** includes any person, partnership, association, or corporation owing, possessing, harboring, keeping or having custody, care or control over a dog and “Owns” shall have a corresponding meaning and interpretation.
- (ix) **Pound Keeper** means that person, organization, or corporation as may from time to time be appointed by the Council for the purpose of retaining dogs seized or impounded pursuant to the provisions of this Bylaw, or if no appointment is made by the Council the Animal Control Officer shall be deemed to be the pound keeper.
- (xi) **Running at Large** means off the premises of the owner when not;
 - (1) on a leash of not more than two (2) meters in length held by a person able to control the dog; or,
 - (2) securely confined within an enclosure; or
 - (3) securely fastened so that it cannot roam at will and does not have access to any public property;
 - (4) Community means the Northern Village of Pinehouse;
 - (5) Administrator means the Administrator of the Northern Village of Pinehouse or any person authorized to act on his/her behalf.

2. LICENSING

2.1 LICENSING – APPLICATIONS

- (a) Every owner of a dog shall, upon acquiring ownership of the dog, and on or before the 1st day of January, apply to the Administrator for a license to keep such dog within the community;
- (b) At the time of application, the owner shall provide a statement in writing disclosing,
 - (i) the number of dogs owned by him; and
 - (ii) the breed, color, sex, age and name of each dog owned by him; and
 - (iii) the name and address of the owner;
- (c) Upon such application being made and the owner tendering therewith the annual license fee for each dog as prescribed in Schedule “A” hereto, the Administrator shall issue a license and a tag for each dog owned by the owner, which license or tag shall expire on the 31st day of December in each year.
- (d) Notwithstanding the other provisions of this Bylaw, no license fee shall be payable in respect of seeing-eye dogs used as guides by blind persons, nor in respect of any dog used for police work by the RCMP;
- (e) Every application for a license for a spayed bitch dog shall, at the time of making the application, produce a Certificate of a Veterinary Surgeon attesting to the spaying.

2.2 LICENSING – REQUIREMENT TO PROVIDE INFORMATION

- (a) Any person requested to do so by the License Inspector or Animal Control Officer shall forthwith deliver to him a statement in writing of the number of dogs owned by him.

2.3 LICENSING – OPERATION OF KENNELS:

- (a) No person shall own or harbor more than three (3) dogs over the age of three (3) months within the community unless he is the holder of a kennel license for the current year;
- (b) The operation of any kennel within the community shall be subject to the approval of the Medical Health Officer and subject to the approval of the Council as to the facility location;
- (c) The owner or operator of a kennel shall, on or before the 1st day of January in each year, apply to the Administrator for a kennel license, tendering with such application the Certificate of Approval from the Medical Health Officer and the annual license fee as prescribed in Schedule “A”;
- (d) Upon such application being made and the license fee tendered, and with approval by Council the Administrator shall issue a kennel license to the owner thereof, which shall serve as a license to operate such business within the community but the obtaining of such license shall not relieve the kennel operator from liability for the assessment and payment of taxes;

2.4 IDENTIFICATION

- (a) Every owner of a dog shall provide it with a collar and keep the tag security fixed on the dog's collar at all times until he obtains a tag for the next following year;
- (b) No person shall use or fasten a tag upon a dog other than the dog in respect of which it was issued;
- (c) No unauthorized person shall remove a collar or tag from a dog;
- (d) Any person who violates the provisions of this Section shall be liable upon summary conviction to the penalties herein provided;

3. CONTROL OF DOGS

- (a) Every owner of a dog found running at large within the community commits a violation of this bylaw and is liable upon summary conviction to the penalties herein provided;
- (b) Every dog that is found running at large off the premises where it is usually kept, without a tag, and not under the control of any person, may be terminated as per Section 100.07 of The Northern Municipalities Act which states as follows:
 - i) A peace officer as defined by the *Criminal Code*, as amended from time to time, may destroy any dog that he or she finds injuring or viciously attacking a person or domestic animal.
 - ii) Where a peace officer acted in good faith, the peace officer who destroys a dog pursuant to subsection (i) is not liable to the owner for the value of the dog.
- (c) Every owner of a dog which by loud and frequent barking, yelping, or howling, causes a disturbance of the peace of other persons residing in the neighborhood, or of the public at large, commits an infraction of this Bylaw;
- (d) Every owner of a dog found on a school yard, playground, or posted park land area, except when the owner is attending a recognized dog training or obedience school, commits an infraction of this Bylaw;
- (e) A female dog in heat shall be confined and secured in the residence of the owner, or in a licensed kennel, throughout the entire period that the dog is in heat, except that such dog may be allowed outside of the owner's residence when under the control of the owner for the sole purpose of permitting the dog to defecate on the premises of the owner.
- (f) If a dog shall defecate on any public or private property other than the property of the owner, the owner shall cause such defecation to be removed immediately;
- (g) Any person teasing, baiting, or throwing objects at a dog which is confined upon its owner's property, commits an infraction of this Bylaw.

4. IMPOUNDING OF DOGS

4.1 ESTABLISHMENT OF A POUND/APPOINTMENT OF POUND KEEPER

- (a) For the purpose of impounding dogs in the course of enforcement of this Bylaw, a pound shall be established at such place or places as may from time to time be designated by the Council, and the Council may from time to time appoint one or more pound keepers and fix their remuneration.
- (b) Neither the community nor any person acting in good faith in the enforcement of this bylaw shall be liable, either in civil or criminal proceedings for the capture, impounding, sale, destruction or other disposition of any dog.

4.2 RECORD OF IMPOUNDING

- (a) The pound keeper shall keep a record of all dogs impounded and of the disposition made of the same, and of all fees and monies collected by him, and shall make a monthly return to the Council or its designate.

4.3 CAPTURE / REDEEMING OF DOGS

- (a) The Animal Control Officer, any Peace Officer, or any other person designated by Council may capture or seize any dog found running at large, or in respect of which any other violation of this Bylaw has been committed by the use of a tranquilizer gun or other method authorized by the Council, and shall thereupon deliver such dog to the pound.
- (b) Upon delivery to the pound, any dog with a collar and license tag shall be impounded and kept for a period of seventy-two (72) hours, and if not claimed and redeemed by the owner within that time, the dog shall be sold, destroyed, or otherwise disposed of by the pound keeper or any other person or company designated or contracted by the community.
- (c) Upon delivery to the pound, any dog not wearing a license tag shall be impounded and kept for a period of seventy-two (72) hours, and if not claimed and redeemed by the owner within that time, the dog shall be sold, destroyed or otherwise disposed of by the pound keeper or any other person or company designated or contracted by the community.
- (d) Where an owner decides to redeem an impounded dog, he shall be entitled to do so upon production of satisfactory evidence that he has complied with the provisions of this Bylaw with respect to licensing of such dog, and upon payment of the pound fees, penalties, and license fees, if any, owing to the community prior to the said period of impoundment under Section 4.3 (b) or (c);
- (e) Where an impounded dog has not been redeemed by the owner within said period of impoundment, under Section 4.3 (b) or (c), the dog may be sold to any person for an amount equal to the pound fees, license fees, and penalties owing to the community, and any surplus from such sale shall form part of the general revenue of the community for the purposes of animal control, and it shall further be a condition of any such sale that the purchaser comply with the provisions of this bylaw with respect to licensing of the dog;
- (f) The pound keeper may require that any person claiming, purchasing or redeeming an impounded dog, provide proof of current vaccination against rabies and in the absence of such proof require that the costs of rabies vaccination be paid prior to the dog being redeemed or sold;

4.4 CARE OF DOG

- (a) During the period of impounding of any dog, it shall be the duty of the pound keeper to supply such dog with adequate food, water and shelter;

4.5 POUND FEES

- (a) Pound fees shall be those fees prescribed in Schedule "A" hereto;

4.6 HINDERANCE TO POUND KEEPER

- (a) No person shall break open, or assist in breaking open any pound; or
- (b) Hinder, delay or obstruct any person in the enforcement of his duties under this Bylaw.

5. DANGEROUS AND RABID DOG

5.1 DANGEROUS DOGS

- (a) When upon information or complaint it is alleged that a dog has bitten or attempted to bite any person, and it appears to the Judge hearing the complaint that the dog is dangerous, the Judge may make an order.
 - (i) directing that the dog be kept by the owner or keeper under the proper control; or
 - (ii) directing that the dog be destroyed and naming a person to destroy the dog.
- (b) A person who fails to comply with an Order made under Section 5.1 (a) is liable to a fine of not more than Five (\$5.00) Dollars for each day during which the failure continues;
- (c) Where, in a hearing under Section 5.1 (a) the owner cannot be ascertained, the Judge may direct any person to seize and destroy the dog.

5.2 RABID DOGS

- (a) Notwithstanding the other provisions of Section 5.1, where a dog is suspected of having rabies, then such dog shall not be destroyed, but shall be secured and isolated for a period of ten days, and the matter immediately reported to the Medical Health Officer whose instruction shall be carried out with respect to such dog;
- (b) When a dog has bitten a person and/or is suspected of being rabid, or has been in contact with a rabid animal, the Medical Health Officer and a Veterinarian of the Health and Animal Branch of the Canadian Department of Agriculture shall be notified immediately. Where a Veterinarian of the Health of Animals Branch is not available, the report shall be made to a local veterinarian or to a member of the RCMP;
- (c) A medical Health Officer or licensed veterinarian or member of the RCMP, having cognizance that a dog is dangerous or might have been exposed to rabies, may order that:
 - (i) the person owning, harboring or having in his possession such dog, whether vaccinated or not against rabies, shall keep it under confinement at a place acceptable to the Veterinarian or the Medical Health Officer for a period of at least two weeks or until such time as the suspicion of rabies has been confirmed or refuted; or
 - (ii) where in the opinion of the Medical Officer and/or veterinarian, rabies infection has reached proportions where mass vaccination is indicated, every person who owns or harbors or has in his possession within the community any dog susceptible to rabies, shall cause such dog to be inoculated against rabies.

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6. PENALTIES

6.1 BURDENS OF PROOF

(a) In a prosecution for a violation of any of the provisions of this Bylaw, the onus of proof of the age of the dog, and, compliance with the licensing provisions of this bylaw shall be upon the person accused;

6.2 COMPLIANCE

(a) The conviction of a person for a contravention of this Bylaw does not relieve him from compliance with this Bylaw, and the convicting Judge shall, in addition to any fine imposed, order the person to perform, within a period specified, any act of work necessary for the proper observance of this Bylaw, or to do any act or work necessary to remedy the contravention of this Bylaw;

(b) Any person who fails to comply with an Order made under Section 5.2 (a) within the time specified, is guilty of an offence and liable on summary conviction to;

- (i) a fine of not more than \$250.00 for each day during which the failure continues; or
- (ii) imprisonment for a term of not more than Ninety (90) days; or
- (iii) both such fine and imprisonment;

(c) Any person who neglects, refuses to furnish a Statement, or makes a false statement required by Sections 2.1 (b) or 2.2 (a) or 2.3 (c) is guilty of an offence and is liable of summary conviction to the penalties specified in the Order;

(c) A person who fails to comply with Section 2.2 (a) may be summoned before a Judge who may order any dog owned by him to be destroyed unless the license fee, penalty and costs are paid before a time to be specified in the Order;

(e) For the purpose of carrying out an Order under Section 6.2 (d), a Peace Officer may enter upon the premises of the owner and destroy the dog.

6.3 GENERAL FINES

(a) Any person who is guilty of a violation of any of the provisions of this bylaw for which no other penalty is specified, is liable upon summary conviction to a fine of not more than;

- (i) \$2,000.00 – in the case of an individual; or
- (ii) \$5,000.00 – in the case of a corporation; or
- (iii) in default of payment to a term of imprisonment for not more than ninety(90) days;

6.4 SPECIFIC FINES – LICENSING, IDENTIFICATION AND CONTROL OF DOGS

(a) Every person who commits a violation of Section 2.1 (a) or (b), Section 2.4 or Section 3 of this Bylaw is guilty of an offence and liable upon summary conviction to;

- (i) In the case of a first offence, a fine of Thirty (\$30.00) Dollars and in default of payment, to imprisonment for not more than Five (5) days;
- (ii) In the case of a second offence committed within Twelve (12) Months of the dates of a first offence, a fine of Sixty (\$60.00) Dollars, and in default of payment, to imprisonment of not more than Ten (10) days;
- (iii) In the case of a third offence committed within Twelve (12) Months of the date of a first offence, a fine of Ninety (\$90.00) Dollars, and in default of payment, to imprisonment of not more than Fifteen (15) days;
- (iv) In the case of a fourth and subsequent offence committed within twelve (12) months of the date of a first offence, is guilty of an offence and liable on summary conviction to a maximum fine of;

- (a) Two Thousand Dollars (\$2000.00) in the case of an individual; or
- (b) Five Thousand Dollars (\$5000.00) in the case of a corporation.

7. PAYMENT

(a) Notwithstanding any of the provisions of this Bylaw to the contrary, where any person has committed or is alleged to have committed an offence under Section 2.1 (a) or (b), Section 2.4 (a), or (b) or (c) or Section 3 (a) or (c), (d), (e), (f) and (g) hereof, a ticket in a form to be approved by the Council may be served upon such person, and if such person pays the penalty provided for the offence that he has committed or is alleged to have committed voluntarily to the office of the Administrator at any time within seventy-two (72) hours of the time of service of the ticket upon such person, such person shall not be liable to prosecution for the offence;

(b) The voluntary penalty payment is not available under Section 6.4 (a) (iv);

(c) Service of such ticket may be made by prepaid registered mail, or by personal service, or by delivery to an adult person at the home of the person alleged to have committed the violation;

(d) If the person served with such ticket fails to pay the specified penalty voluntarily within the time allowed following service of the ticket, then the provisions of this section shall no longer apply and the person shall be liable to prosecution for the offence in a court having a jurisdiction over summary conviction matters, providing that nothing in this section prevent any person served with such a ticket such a ticket from exercising his right to defend himself against any of these particularized offences.

8. REPEAL OF FORMER BYLAWS

Bylaw No 1-85 is hereby repealed.

9. COMING INTO FORCE

This bylaw shall come into force and take effect on the date of the Minister's approval.

Read a third time and adopted this 24th day of June, 2008.






 Mayor



 Town Administrator



 Date Approved



 Deputy Minister or designate for and on behalf
 of the Minister of Municipal Affairs

Certified true and correct copy of Bylaw No.1-08 passed by the Council of the Northern Village of Pinehouse on the 24th day of June, 2008.



 Marie Lavallee, Administrator

10. SCHEDULE "A" – LICENSE FEES / POUND FEES

LICENSE FEES

For each male dog	\$15.00
For each emasculated male dog	10.00
For each bitch dog	30.00
For each spayed bitch dog	10.00
Kennel License	75.00
Duplicate License	5.00

DISCOUNT ALLOWED

Full license fee is payable if dog license is purchased prior to April 1st of each license year.

Three-quarters of license fee is payable if a dog license is purchased from July 1st – September 30th, inclusive, of each license year.

One-quarter of license fee is payable if a dog license is purchased from October 1 to December 31st inclusive each license year.

POUND FEES

Dog Food – per day or part thereof	5.00
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[Handwritten Signature]

 Mayor

Marie Lavallee

 Town Administrator