

VILLAGE OF LOREBURN

BYLAW NO. 5-2014

A BYLAW TO REGULATE THE RUNNING AT LARGE OF ANIMALS, TO REGULATE THE HARBOURING OF ANIMALS AND TO RESTRICT THE RESIDENT OWNERSHIP OF DOGS.

The Council of the Village of Loreburn 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) "Clerk" means the Clerk/Administrator of the municipality.
- (c) "Dog" shall mean and include every dog of either sex, or neutered, no matter the age.
- (d) "Dangerous Dog" shall include any dog of the following breeds:
 - a. Pit Bull Terrier
 - b. American Pit Bull Terrier
 - c. Doberman
 - d. Rottweiler
 - e. German Shepherd
 - f. Cao de Fila Sao Miguel

OR any dog of mixed breeding, which can be identified through its physical characteristics as a dog of a partial mix of any of the above indicated breeds by a veterinarian licensed to practice in Saskatchewan;

OR any other dog deemed dangerous by council due to a written complaint received regarding any of the following actions or behaviours:

- g. Any dog, that without provocation, in a vicious or menacing manner, chases or approaches a person or domestic animal in an apparent attitude of attack;
 - h. Any dog, whatever its age, with a known propensity, tendency or disposition to attack without provocation, to cause injury to or otherwise threaten to safety of persons or domestic animals;
 - i. Any dog that, without provocation, has bitten, inflicted injury, assaulted, or otherwise attacked a person or domestic animal;
 - j. Any dog which is owned primarily or in part for the purpose of dog fighting or is trained for fighting.
- (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 Village of Loreburn.
 - (h) "Owner" shall mean:
 - a. 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
 - b. The person responsible for the custody of a minor where the minor is the owner of the animal.
 - (i) "Household" shall mean a dwelling at a residence or street address within the limits of the Village of Loreburn where the owner (s) of an animal reside.

- (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:
 - a. Securely confined within an enclosure; or
 - b. Securely fastened or leashed so that it cannot roam at will.

3. NUMBER OF DOGS PER HOUSEHOLD

- (a) No person shall keep more than 2 dogs over 6 months of age and 2 cats per household within the limits of the municipality.

4. 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 Village Office. Written complaints shall be in Form "2" attached to and forming part of this bylaw.
- (d) Any animal found running at large that attacks or bites a person shall be, at the owner's expense:
 - a. Destroyed in accordance with any order or recommendation by a medical health officer; or
 - b. Permanently removed from the municipality (taken to SPCA or Humane Society).

5. HARBOURING OF DOGS & PROHIBITION OF DANGEROUS DOGS

- (a) No person (resident or visitor of the Village of Loreburn) shall keep, possess, or harbour any dangerous dog described in Section 2 of this Bylaw within the limits of the Village of Loreburn.
- (b) 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.
- (c) Where a dog displays aggressive behaviour 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 cannot gain access to the property or the dog.
- (d) Where a municipality believes an owner has not taken the necessary precautions to contain an aggressive dog as required in subsection (c), 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.
- (e) An order written under subsection (d) 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.

6. 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 365 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.

7. EXEMPTIONS

- a. Existing ownership of dogs in the Village of Loreburn are exempt or “grandfathered” into this Bylaw in such a way that owners are not expected to get rid of previously owned dogs that may be named in this Bylaw.

8. 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(b) – Animal Running at Large
 - First Offense - \$250.00
 - All Offenses Thereafter - \$500.00 each
 - 2. At the discretion of Council, a warning ticket may be issued for contravention of any of the provision 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 municipality.
- c. Voluntary payment of a penalty with 10 days of the issuance of a Notice of Violation will reduce the penalty by 50%.
- d. Council retains the right to contact the Local Detachment of the RCMP to look into any and all complaints.

9. 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.

10. REPEAL BYLAWS

- a. Bylaw No. 3-2013, 3-1997 and 1-1951 are hereby repealed.