

TOWN OF LAFLECHE

BYLAW NO. 396-04

A BYLAW TO DEAL WITH THE RESTRAINING, REGULATING AND IMPOUND OF DOGS.

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

I. DEFINITIONS:

1. In this Bylaw, unless the context otherwise requires, the expression:

(a) "Administrator" means the Town Administrator of Lafleche or any employee of the Town designated by the Administrator to act on behalf of the Town

(b) "Council" shall mean the Council of the Town of Lafleche.

(c) "Dangerous Dog" shall mean:

- I. 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;
- II. 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;
- III. any dog which has without provocation, bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal;
- IV. any dog owned primarily or in part for the purpose of dog fighting or is trained for dog fighting;
- V. any dog acting in the performance of police work;
- VI. any dog working as a guard dog on commercial property which is:
 - a) 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 preschool age; and
 - b) defending the property against a person who is committing or attempting to commit an offence.

(d) "Dog" includes a puppy and any adult male or female dog.

(e) "Dogcatcher" shall mean any person appointed by the Council of the Town of Lafleche to restrain and impound any dog running at large in the Town of Lafleche

(f) "Judge" means a judge of the Provincial Court of Saskatchewan, a justice of the peace or a municipal official designated as a judge in accordance with this bylaw and who are authorized to carry out the "Dangerous Dog" provisions of the Urban Municipality Act, 1984 and amendments thereto.

(g) "Owner" includes:

- I. a person who keeps, possesses or harbors a dog;
- II. the person responsible for the custody of a minor where the minor is the owner of the dog;

but does not include:

- III. a veterinarian registered in accordance with The Veterinarians Act, S.S. 1987 and amendments thereto who is keeping or harboring a dog for the prevention, diagnosis or treatment of a disease or injury;
- IV. the Town of Lafleche, 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.

(h) "Provocation" means an act done intentionally for the purpose of provoking a dog.

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- (i) "Pound keeper" shall mean a person designated and appointed by the Council or the Administrator to maintain a suitable accommodation (pound) for the keeping of impounded dogs.
- (j) "Running at Large" means a dog found upon any street, lane, sidewalk, or within any park, school ground, or other public place within the Town of Lafleche, unaccompanied by any person or accompanied but not under the complete control of any competent person or being on private property without the permission of the owner or occupant of such property.
- (k) "Town" shall mean the Town of Lafleche.

2. In this Bylaw words in the singular include the plural and words in the plural include the singular.

II. OFFENCES:

- 3. No OWNER shall keep, possess or harbor a dangerous dog as specified in Subsection 1(c) of this Bylaw within the Town of Lafleche.
- 4. No person shall keep, possess or harbor any dog which is not licensed in accordance with Section III of this Bylaw.
- 5. No person shall keep, possess or harbor more than four dogs over 6 months of age in one building or residence without prior written notice from Council.
- 6. 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 at least two times the weight of the dog.
- 7. No owner shall permit a dog to create a disturbance by barking, howling or in any other way causing an interference with the lawful use and enjoyment of property by any other person.
- 8. 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.
- 9. Subsection 8 shall not apply to a person who owns and is physically reliant on a guide dog trained and used to assist such person.
- 10. An owner or occupant of private property must not allow animal feces to accumulate on the property as to create a health hazard.
- 11. 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.

III. LICENSING:

- 12. Every person who owns, possesses or harbors a dog within the Town limits, shall register and obtain a license for the said dog from the Dog Catcher or Town Office, on or before January 3rd in each year, or immediately after date of possession.
- 13. The Administrator or Dog Catcher are authorized to register, record the registration and issue licenses in conformity with this Bylaw.

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14. When applying for a license, the applicant must furnish a description of the dog including sex, color, breed and any other identification information which may be required by the Town.
15. The Town shall furnish a license tag showing the words "Pet Tag Lafleche", license number and year to the owner of the dog or applicant.
16. Every owner shall cause his/her dog to wear a collar around its neck with the license tag attached thereto.
17. The owner of any dog within the Town 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.
18. All licenses expire on December 31st of the year in which they are issued.
19. The license fee for each dog shall be \$15.00. A dog owned by a sightless person and used as a guide shall be registered and licensed as provided in this Bylaw without charge.

IV. IMPOUNDING:

20. For the purpose of impounding any dog found running at large in the Town, a pound shall be established at such place as may from time to time be designated by Council as a pound.
21. The Town may appoint a Pound Keeper to carry out the provisions of this Bylaw.
22. The Town is authorized to appoint a Dog Catcher or Dog Catchers to apprehend, restrain and impound any dog or dogs running at large in the Town; to issue violation notices and to carry out additional duties in the enforcement of this Bylaw.
23. Notwithstanding the provisions of Subsection 23, any person of legal age may restrain any dog running at large in the Town and deliver the dog so restrained to the Dog Catcher. Such person shall leave with the Dog Catcher a statement, in writing, describing the dog restrained, the name (if known) and the place and time of restraint.
24. The Pound Keeper shall keep a record of all dogs impounded, and of the time and manner of their disposal and shall report daily to the Town Administrator, excluding Saturdays, Sundays and Statutory Holidays, of all dogs impounded. Said record book shall be open for inspection at any time the Pound Keeper is in attendance at the Pound.
25. Each Dog impounded under the authority of this Bylaw shall be kept by the Pound Keeper in the Town pound for at least seventy-two (72) hours.

V. RELEASE OF IMPOUNDED DOGS:

26. All dogs impounded in the dog pound shall be confined therein for a period of 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 Town Office.
27. For the purpose of Subsection 26 above, the daily charge for housing, feeding and watering a dog while in the pound, is \$25 dollars per day. The impounding fees are as follows:
 - a) for the first time a dog is impounded, the fee shall be seventy-five (\$75.00) dollars.

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- b) for the second time the dog is impounded, the fee shall be one hundred and fifty (\$150.00) dollars.
- c) for the third and each consecutive time the dog is impounded, the fee shall be two hundred and fifty (\$250.00) dollars.

VI. DISPOSAL OF DOGS SUSPECTED OF HAVING RABIES:

- 28. (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, harbors, or possesses a dog within the Town, 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:

- 29. In case a dog is impounded and is not claimed within seventy-two (72) hours as here before mentioned in Subsection 25, the dog may be disposed of without further notice in the following manner:
 - a) Disposal by adoption to a nonresident, S.P.C.A. or the College of Veterinary Science, University of Saskatchewan.
 - b) Disposal by euthanasia.
- 30. (a) Where any person has committed or alleged to have committed a breach of the provisions of Subsection 4, 5 or 6 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 Town at the Town Office, during regular business hours, a penalty as follows:
 - 1) for the first infraction, the sum of seventy-five (\$75.00) dollars.
 - 2) for the second infraction, the sum of one hundred and fifty (\$150.00) dollars.
 - 3) for the third and each consecutive infraction, the sum of two hundred and fifty (\$250.00) dollars.
- (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) If the person who has committed or alleged to have committed a breach of Subsections 4, 5 or 6 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.
- 31. The following municipal officials are hereby designated to be judges in accordance with this bylaw and are authorized to carry out the "Dangerous Dog" provisions of The Urban Municipality Act, 1984:

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- a) the Dog Catcher;
- b) the Pound Keeper; and
- c) the Administrator.

- 32. Any complaints that any person has 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.
- 33. 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 Urban Municipality Act.
- 34. Any person convicted of a breach of the provisions of this Bylaw, except for a breach of Subsections 4, 5 and 6 shall be subject to the penalty set out in the General Penalty Bylaw of the Town of Lafleche and amendments thereto.

VIII GENERAL

- 35. Bylaw 363-00 is hereby repealed
- 36. This Bylaw shall come into force on the date of its final reading and passing.

Introduced and read a first time this 15th day of November, 2004.
 Second reading December 9, 2004
 Given Third and final reading on December 9, 2004.



 MAYOR



 ADMINISTRATOR



CERTIFIED A TRUE COPY OF THE BYLAW
 ADOPTED BY RESOLUTION OF THE COUNCIL
 ON THE 9..... DAY OF December.....
 A.D. 2004.....



 TOWN ADMINISTRATOR