

RURAL MUNICIPALITY OF WILTON NO. 472
BYLAW NO. 05 - 2007
LONE ROCK DOG CONTROL BYLAW

The Council for the Rural Municipality of Wilton of No. 472 in the Province of Saskatchewan enacts as follows:

1. CITING

- 1.1 This Bylaw may be cited as the “Rural Municipality of Wilton No. 472 – Lone Rock Dog Control Bylaw”.

2. PURPOSE AND SCOPE

- 2.1 The purpose of this Bylaw is to provide for licensing, regulation and control of dogs in the Hamlet of Lone Rock, situated within the Rural Municipality of Wilton No. 472.

3. DEFINITIONS

- 3.1 Definitions of words in this Bylaw are the definitions contained in *The Municipalities Act*.
- 3.2 “*Administrator*” means the administrator of the municipality;
- 3.3 “*Animal Control Officer*” means a person designated by the Council of the Rural Municipality of Wilton No. 472 to handle matters of dog control.
- 3.4 “*Council*” means the Council of the Rural Municipality of Wilton No. 472.
- 3.5 “*Dog Breeder*” means a person engaged in breeding dogs and offering the sale or trade to the general public. Individuals must be able to verify their status as a registered breeder by providing the Rural Municipality of Wilton No. 472 with proof of membership in the Canadian Kennel Club.
- 3.6 “*Dog(s)*” includes all species of the animal commonly known as dogs, male, female or spayed, and of every breed or classification or mixture of breeds.
- 3.7 “*Kenel*” means any structure used by any person for boarding or otherwise caring for, training, or whelping dogs exceeding 3 dogs in number over the age of 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/her profession.
- 3.8 “*License*” or “*Tag*” means a license that is valid for a period commencing January 1st and ending on the next succeeding December 31st or any part thereof.
- 3.9 “*Municipal Pound*” means such premises and facilities as may be designated by Council or a Peace Officer, from time to time as the Pound.
- 3.10 “*Municipality*” means the Rural Municipality of Wilton No. 472.
- 3.11 “*Owner*” means any person, partnership, association, or corporation owning, possessing, harboring, having charge of or control over any dog, and includes a keeper of a dog.
- 3.12 “*Peace Officer*” means a member of the local Royal Canadian Mounted Police or Wilton Police Service.
- 3.13 “*Person*” includes any person, individual, owner, corporation, public body corporate, society, firm or partnership.
- 3.14 “*Possession*” means that a person possesses a dog when he has it in his actual possession, he leaves it in the actual possession or custody of another person, he has it in any place, whether that place belongs to that person or another person. Where two or more persons with the knowledge and consent of the rest have a dog in their custody or possession, it shall be deemed to be in the custody of each and all of them.
- 3.15 “*Pound*” means such premises and facilities as may be designated by Council or a Peace Officer, from time to time, as the pound.
- 3.16 “*Pound Keeper*” means that person, corporation, society or organization as may from time to time be appointed by Council or a Peace Officer for the purpose of retaining impounded dogs pursuant to this Bylaw.
- 3.17 “*Premises*” means any land or building or any portion thereof, and includes, without restricting the generality of the foregoing, any house, residence, apartment, flat, site, lodging, room, office or place of business.
- 3.18 “*Restricted Dog*” means any animal, whatever its age, declared as restricted by a motion of Council.
- 3.19 “*Running at Large*” means off the premises of the owner when not on a leash held by a person able to control the dog.
- 3.20 “*Spayed*” means a dog certified by a licensed veterinarian to be sexually sterile.
- 3.21 “*Vicious Dog*” means a dog of any age, including a restricted animal, which when on or off the property of its owner
- 3.21.1 Has shown a propensity, disposition or potential to attack injure, without provocation, other animals or humans; or
- 3.21.2 Without provocation, chases persons who approach it; or
- 3.21.3 Is continuing threat of serious harm to other animals or humans; or

3.21.4 Without provocation has attacked persons or other animals.

3.22 “*Voluntary Penalty*” means a penalty specified in this Bylaw for a contravention of a provision of this Bylaw which amount may be paid by a person to whom a municipal or provincial violation ticket was issued.

4. LICENCING OF DOGS

4.1 No owner of any dog shall be in possession of such dog unless such dog has been licensed for the current license year.

4.2 A tag issued pursuant to this Bylaw shall be securely attached to a collar, which shall at all times be worn by the dog for which it is issued.

4.3 No person shall use, or permit to be used, a tag in respect to any dog other than the dog for which it was actually issued pursuant to this Bylaw.

4.4 Every owner of a dog applying for a license shall produce the following information:

4.4.1 Name, street address, postal address, and phone number of the owner;

4.4.2 Name, description, sex of the dog to be licensed;

4.4.3 The actual dog for the Rural Municipality of Wilton No. 472 to photograph; and

4.4.4 Any other information as may be required by the Municipality.

4.5 No tags shall be issued without the dog’s owner applying for the license and bringing the dog to the Rural Municipality for a photograph, in accordance with section 4.4.

4.5 The owner of every dog apparently or actually over 6 months of age shall, prior to February 1st in each calendar year, for each dog owned, register such dog with the Administrator and shall pay an annual license fee.

4.6 A person licensed as a “dog breeder” shall notify the Administrator of the birth of any dogs and upon expiration of 6 months, register and license each such dog that remains in that person’s possession.

4.7 Fees and late penalties for dog licensing shall be set out in Schedule A.

4.8 Upon payment of the annual dog license fee, the Administrator shall issue to the owner a metal license tag, on which shall be inscribed a registration number corresponding to the registration in a master register database to be kept by the Administrator, as provided in this Bylaw.

4.9 No registration shall be required under this Section for a dog accompanying a person, if such a dog is not permitted to run at large, and if such person does not remain in the Municipality for a period in excess of 30 days, the proof of which shall be on that person.

4.10 The owner of a dog shall pay the license to the Municipality:

4.10.1 On or before June 1, 2007 and the period of validity of a license issued by the Administrator shall be from June 1, 2007 to December 31, 2007. The full amount of the license fee shall be payable to the Municipality.

4.10.2 For the year 2008 and thereafter, on or before the January 31st in each year, and the period of validity of a license issued by the Administrator shall be from January 1st to December 31st of the current year. The full amount of the license fee shall be payable to the Municipality.

4.10.3 A dog license for the next year can be purchased between November 1st and December 31st of the current year, and the period of validity of a license issued by the Administrator shall be from November 1st of the current year to December 31st of the following year.

4.11 Any dog owner seeking renewal of an existing dog license shall pay the appropriate fees outlined in Schedule A prior to February 1st of the current year. Failure to do so will place the owner or such dog in contravention of this Bylaw, and therefore, subject to the late penalty fee as set forth in Schedule A.

4.12 If a tag for any dog becomes lost in any manner whatsoever, a new tag shall be required. The replacement tag shall be issued for such dog by the Administrator upon payment of the sum set forth in Schedule A.

4.13 No person shall be entitled to a license rebate under this Bylaw.

4.14 Where a license required pursuant to this Bylaw has been paid by the tender of an uncertified cheque,

4.14.1 The license is issued subject to the cheque being honored by the bank, and

4.14.2 The license is automatically revoked if the cheque is not honored by the bank on which it is issued.

5. NUMBER OF DOGS PER RESIDENCE

5.1 No person shall own, possess or harbor more than 2 dogs per residence in the Hamlet of Lone Rock.

5.2 On the adoption date of this Bylaw, being May 10, 2007, a person who owns, possesses or harbors more than 2 dogs may possess no more than 4 dogs per residence. These two additional dogs will be known as “grand fathered dogs”. Four dogs will be allowed to exist at the residence if all dogs are licensed and until 2 of the 4 dogs decease, relocate or no longer reside at the residence. Upon the departure of 2 of the 4 dogs, the departed dogs may not be replaced, as this person must now conform to sections 5.1 of this Bylaw.

- 5.3 The administrator, pound keeper, or peace officer, may seize additional dog(s), which are contrary to the provisions of this Bylaw, and release the dog(s) upon payment of a fine and purchase of a dog license by an owner with less than 2 dogs in residence.
- 5.4 Any person may seize an additional dog, which is contrary to the provisions of this Bylaw and deliver such dog to the Pound for impoundment.
- 5.5 Additional dogs delivered to the Pound shall be kept for 72 hours, which shall include statutory holidays and weekends unless the owner, possessor or harbored redeems the animal by paying the Municipality or the Pound Keeper, a voluntary penalty set forth in Section 11 in addition to the daily Pound fees for the care and keep of each animal and distributes the additional dog to another residence which has less than 2 dogs in residence.
- 5.6 If a dog has not been redeemed within 72 hours, the designated officer, being the administrator, pound keeper, or peace officer, etc., may sell or destroy any dog in a humane manner; however the dog may not be relocated back to the Lone Rock area.

6. RUNNING AT LARGE

- 6.1 No person shall allow any dog to run at large within the boundaries of the Hamlet of Lone Rock.
- 6.2 An owner of an unlicensed dog found running at large, will not be contacted. The said dog will be impounded, sold or destroyed at the discretion of Council, the peace officer or the pound keeper; provided the dog does not relocate to the Lone Rock area.
- 6.3 Any person may seize a dog found at large and deliver such dog to the Pound for impoundment.
- 6.4 Any person may use as much force as necessary to prevent injury to any person being attacked by a dog.
- 6.5 A dog left in a vehicle off the premises of the owner of such dog shall be deemed to be at large unless the dog is contained within an enclosed portion of such vehicle or is securely fastened within and unable to exit that vehicle to any area surrounding the said vehicle.
- 6.6 The owner of every female dog shall, while such dog is in estrus or in heat, keep such dog housed and confined in an enclosure or tethered so as to prevent any escape of such dog from the owner's premises during the periods in which the said dog is in heat.
- 6.7 If a licensed dog has not been redeemed within 72 hours, the designated officer, being the administrator, pound keeper, or peace officer, etc., may sell or destroy any dog in a humane manner; providing the dog is not relocated to the Lone Rock area.

7. RESTRICTED, VICIOUS AND RABID DOGS

- 7.1 An owner of a restricted dog shall maintain in force and provide a copy of a liability insurance policy in a form satisfactory to the Municipality providing third party liability coverage in a minimum amount of \$500,000 for injuries caused by the owner's restricted dog.
- 7.2 An owner of a restricted dog shall at all times keep such dog on his/her premises and such dog confined indoors under the effective control of a person over the age of 16 or confined in a securely enclosed and locked pen, or other structure, constructed to prevent the escape of the restricted animal, and capable of preventing the entry of children.
 - 7.2.1 Such securely enclosed and locked pen shall have secure sides and a secure top, and if it does not have a bottom secured to the sides, the sides must be embedded in the ground to a minimum depth of 1 foot.
 - 7.2.2 When any restricted dog is off the premises of the owner, the owner shall harness or leash it securely to effectively prevent it from attacking or biting a person or other animal.
 - 7.2.3 Section 7.2.2 shall not apply when the restricted dog is in a pen meeting the requirements of sections 7.2 and 7.2.1, or when the restricted animal is in a building or enclosure in attendance at a bona fide dog show.
- 7.3 The owner of a dog, which the owner believes to be a vicious dog, shall keep such dog in accordance with the provisions of Section 7.2 of this Bylaw.
- 7.4 If a peace officer determines that a dog is a vicious dog, either through personal observation or after an investigation initiated by a complaint, he or she may in writing
 - 7.4.1 Inform the owner that his dog has been determined to be a vicious dog; and
 - 7.4.2 Require the owner to keep such dog in accordance with the provisions of sections 4.1 and 7.2 of this Bylaw; and
 - 7.4.3 Inform the owner that if the vicious dog is not kept in accordance with sections 4.1 and 7 of this Bylaw, the owner will be fined or subject to enforcement action pursuant to this Bylaw.
- 7.5 The owner of a vicious dog shall take all necessary steps to ensure that such dog does not bite, chase or attack any person or other animals, whether the person is on the property of the owner or not. Where a dog is deemed vicious or a public nuisance, such dog shall, in the public interest, be impounded and quarantined for a period of 72 hours; and if found to be rabid, destroyed or disposed of.
- 7.6 All costs for the impoundment and quarantining of such dog shall be borne by the owner of the dog; but if no owner is identified, the Municipality will bear the costs of impoundment and quarantining.

- 7.7 When an impoundment of a dog is made due to actions being taken by a peace officer with respect to a Municipal Bylaw, Provincial Act and regulations of Saskatchewan or Federal Act and regulations of the Government of Canada, the actual costs of impoundment shall be borne by the owner.
- 7.8 Where an impounded dog is found to show severe symptoms of mange, canine distemper, hepatitis, or parvo virus, including depression, dehydration, loss of appetite, vomiting and diarrhea with or without blood, the pound keeper, after notifying the Municipality, shall have the authority to destroy the dog.
- 7.9 Where it has been determined by a peace officer that a dog has made an attack that causes damage or injury to a person or animal, such dog shall be impounded and disposed of.

8. IMPOUNDMENT

- 8.1 Council shall designate a place to be operated as the municipal pound for impounding and keeping of dogs impounded pursuant to this Bylaw. Council is empowered and authorized to make such rules and regulations pursuant to the provisions of this Bylaw, as the Council shall consider if necessary for the operations of such pound.
- 8.2 Where a dog has been impounded and suspected of being rabid, the dog shall be forthwith quarantined and dealt with in accordance with the provisions of Provincial Legislation.
- 8.3 Where a dog is delivered to the Pound by a peace officer or other person, the Pound Keeper shall take custody of such dog and provide all the necessary care to ensure the dog is fed and sheltered properly and take as many steps as possible to locate the registered owner of the dog through the current year tag, provided the dog has one attached.
- 8.4 Where a licensed dog has been impounded, the owner has 72 hours to reclaim the dog. The Pound Keeper shall, subject to the provisions of this Bylaw respecting dangerous, vicious, or rabid dogs, release such dogs upon being satisfied that all fines and pound fees have been paid.
- 8.5 Where an unlicensed dog has been impounded, the dog may be disposed of or relocated by the Pound Keeper, providing the dog is not relocated back to the Lone Rock area.
- 8.6 Any dog that has been left in the Pound beyond the holding period identified in this Bylaw, may be disposed of or relocated by the Pound Keeper, providing it is not relocated back to the Lone Rock area.
- 8.7 The Municipality will not be responsible for any dog impounded for more than 72 hours, which include statutory holidays and weekends.

9. TRAPS

- 9.1 Private animal traps may be used to capture a dog running at large. Such traps and/or trapping methods shall receive approval from the peace officer prior to implementation.

10. POWERS OF OFFICERS

- 10.1 An animal control officer or peace officer may capture and impound any animal in respect of which he believes an offense is being or has been committed under this Bylaw.
- 10.2 An animal control officer or peace officer may enter onto private property without loss of jurisdiction while pursuing a dog at large and should the animal attain the safety of its home, the owner, possessor or harbored may be charged for allowing a dog to run at large whether possession of the dog is obtained by the animal control officer or peace officer or not.
- 10.3 An animal control officer or peace officer, in order to enforce the provisions contained herein, may enter onto land surrounding any dwelling-house in pursuit of any dog which has been in violation of this Bylaw irrespective of any "No Trespassing" signs posted on the premises.
- 10.4 Where a dog located on private property is suspected of violating any provisions of the Bylaw, and the owner cannot be located, and in the interest of the public to stop a continuation of an offense, an animal control officer or peace officer may enter on to the property and take the dog into his possession and cause it to be impounded for which the owner of the dog shall bear all costs of impoundment and penalties therein.
- 10.5 Where a dog cannot be captured and the owner cannot be ascertained or located, a peace officer may destroy the animal. A form shall be completed by the peace officer stating the efforts made to catch the animal and ascertain the owner, and shall be kept for 1 calendar year and thereafter may be destroyed.
- 10.6 Where a dog is deemed to be a repeatedly running at large, and the owner of the dog has been fined on 2 previous occasions, a peace officer may destroy the animal.
- 10.7 Where a peace officer reasonably believes that a dog has attacked, is attacking, or is about to attack, injure or menace any person, the officer may destroy such dog forthwith.
- 10.8 In the event that a dog causes damage to another person's property, a peace officer may direct the owner of the dog to pay compensation to the aggrieved party, or may direct the owner of the dog to restrain or destroy the said dog.
- 10.9 A peace officer may delegate his powers to any person for the purposes of assisting the peace officer in the apprehension of any dog that is in contravention of this Bylaw.

11. CONTRAVENTION AND NOTICE

- 11.1 Any person who contravenes any provision of this Bylaw or regulations is guilty of an offense.

11.2 A person guilty of an offense, under this Bylaw or the regulations for which a penalty is not otherwise provided in Schedule A to this Bylaw, is liable for each offence to a fine, impoundment of their dog and/or disposal of their dog as follows:

OFFENCE	FINE	DOG	PLUS FEES
1 st	\$100.00	If Licensed – Returned If Unlicensed – Euthanasia	PLUS Pound Fees
2 nd	\$200.00	Impounded	PLUS Pound Fees
3 rd		Impounded & Euthanasia	Pound & Euthansia Fees

11.3 Upon payment of fines and fees on the 1st and 2nd offences and proof of a current dog license, the dog may be returned to the owner, unless other circumstances exist with regards to vicious, restricted or rabies dogs.

11.4 Where an officer or other person authorized to carry out the provisions of this Bylaw believes that a person has contravened any provisions of this Bylaw, he may serve upon such personal notice, or form of intention to prosecute by way of a municipal or provincial violation ticket, or by way of a summons to appear in court. The notice shall set out the name of the offender, time, location, briefly describing the nature of the offense and the Section, applicable penalty, and the court date on which the accused has the option of appearing to enter a plea.

11.5 A person who has received notice under Section 11.4 which is alleged against him under this Bylaw, may within 21 days from the date of receipt of such notice, pay to the Municipality, the penalty specified on that notice as specified under Section 11.2 of this Bylaw.

11.6 A notice, ticket, or summons shall be deemed to have been sufficiently serviced if

11.6.1 Served personally on the accused,

11.6.2 Served by registered mail,

11.6.3 Left at the accused usual place of residence with an inmate thereof who appears to be at least 16 years of age, or

11.6.4 Where the accused is a corporation, association, partnership or registered kennel, is served by registered mail or left with a person who is an employee or officer of the corporation, association, partnership or registered kennel.

12. RIGHTS, BREACH, PERSONAL LIABILITY, AND DUTY

12.1 Nothing in this Bylaw shall prevent

12.1.1 Any person from exercising his right to defend any charge of committing a breach of any of the provisions of the Bylaw;

12.1.2 Any person from laying an information or complaint against any other persons for committing a breach of any of the provisions of this Bylaw;

12.1.3 Any officer appointed specifically to enforce the provisions of this Bylaw from laying an information and complaint against any other person for a breach of this Bylaw; or

12.1.4 Any officer being saved harmless and not subject to prosecution of reason of his doing anything for the purpose of enforcing this Bylaw, and for so doing, acting on reasonable and probable grounds to do whatever he does in honest belief that it is legal and in accordance with this Bylaw.

12.2 Any person charged with a duty under this Bylaw, acting in good faith and without malice toward the Municipality in discharge of those duties is hereby indemnified by the Municipality against all personal liability for any damage that may occur to persons or property by reason of any act or omission made in the discharge of his or her duties. Any suit brought against a person because of an act or omission performed by him in the performance of any provision of this Bylaw, shall be defended by and at the cost of the Municipality until final determination of the proceedings.

13. REPEAL Bylaw No. 03-2002 is hereby repealed.

14. FORCE & EFFECT

13.1 Should a section or part of this Bylaw be found to be improperly enacted or ultravires for any reason, then such section or part shall be regarded as being sever able from the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.

13.2 This Bylaw shall come into force and effect on the day of its third reading and final adoption.

READ A FIRST TIME this 10th day of May, 2007.
READ A SECOND TIME this 10th day of May, 2007.
READ A THIRD TIME AND ADOPTED this 10th day of May, 2007.

REEVE

ADMINISTRATOR

(SEAL)

SCHEDULE A
TO
BYLAW NO. 05-2007
LONE ROCK DOG CONTROL BYLAW

DOG LICENCE FEES

	FEES	2007 ONLY FEES & LATE PENALTY (After June 1st)	2008, 2009, etc. FEES + LATE PENALTY (AFTER FEB 1st)
1st DOG	\$ 50.00	\$ 75.00	\$ 75.00
2nd DOG	\$ 50.00	\$ 75.00	\$ 75.00
GRANDFATHERED 3rd DOG	\$ 200.00	\$ 275.00	\$ 275.00
GRANDFATHERED 4th DOG	\$ 200.00	\$ 275.00	\$ 275.00
REPLACEMENT OF LICENCE	\$ 10.00		
IMPOUND FEES:	Rates set by and payable to pound keeper.		

SCHEDULE B
TO
BYLAW NO. 05-2007
LONE ROCK DOG CONTROL BYLAW

CONTRAVENTION PENALTIES

Bylaw Section	Details	1 st Offence*	2 nd Offence	3 rd Offence
4.1	Fail to register (license) dog.	\$100 + License	Impound Dog \$200 + Pound Fees	Destroy or Adopt, but not to Lone Rock Pound Fees
4.2	Fail to have license tag on dog.	\$100 + License	Impound Dog \$200 + Pound Fees	Destroy or Adopt, but not to Lone Rock Pound Fees
4.3	Dog Tag on different dog	\$100 + License	Impound Dog \$200 + Pound Fees	Destroy or Adopt, but not to Lone Rock Pound Fees
4.6	Dog Breeder fail to register dogs	\$100/dog + License	Impound Dog \$200 + Pound Fees	Destroy or Adopt, but not to Lone Rock Pound Fees
5.1	Possession of more than 2 dogs (& 2 grandfather dogs if applicable)	\$100	Impound Dog \$200 + Pound Fees	Destroy or Adopt, but not to Lone Rock Pound Fees
6.1	Licensed dog running at large	\$100	Impound Dog \$200 + Pound Fees	Destroy or Adopt, but not to Lone Rock Pound Fees
6.2	Unlicensed dog running at large	Destroy or Adopt, but not to Lone Rock \$100 + Pound Fees	N/A	N/A
7.1	Restricted dog Without liability insurance	\$100	Impound Dog \$200 + Pound Fees	Destroy or Adopt, but not to Lone Rock Pound Fees
7.2	Restricted dog unconfined	Impound & possibly Destroy Dog \$100 + Pound Fees	Destroy Dog \$200 + Pound Fees	N/A
7.2 & 7.3	Vicious dog unconfined	Impound & possibly Destroy Dog \$100 + Pound Fees	Destroy Dog \$200 + Pound Fees	N/A
7.6	Owner's lack of responsibility – vicious dog	Impound & possibly Destroy Dog \$100 + Pound Fees	Destroy Dog \$200 + Pound Fees	N/A
7.9	Dog has attacked and caused damage or injury	Destroy Dog	N/A	N/A

*1st Offence – Pound fees are added if dog was impounded before payment of penalty.