

BYLAW NO. 6 - 2017

The Council of the District of Lakeland No. 521, in the Province of Saskatchewan enacts as follows:

SHORT TITLE

This Bylaw shall be referred to as "*The Animal Control Bylaw.*"

PURPOSE AND DEFINITION

PURPOSE

1. The purpose of this Bylaw is to encourage safe, respectful and responsible animal ownership within the District of Lakeland No. 521 by;
 - a) Ensuring the humane treatment of animals;
 - b) Controlling and regulating dogs and cats;
 - c) Providing for the impounding of dogs and cats that are at large;
 - d) Promoting the protection of people, animals and property within the Municipality;
 - e) Providing for conditions and penalties for people's failure to abide by the conditions of this Bylaw; and
 - f) Protecting the public from dangerous animals.

DEFINITIONS

2. For the purpose of this Bylaw, the following terms and words shall have the following meanings:
 - a) Administrator – shall mean the Administrator of the District of Lakeland No. 521 or any person authorized to act on his/her behalf.
 - b) Animal – shall mean either a cat or dog, or a cat and dog as the case may be.
 - c) Animal Control Officer – shall mean the person or persons appointed by the Municipality to enforce the provisions of this Bylaw, or any person authorized to act on his/her behalf and shall include the Administrator and a Peace Officer.
 - d) Animal Shelter – shall mean a facility designated or used by the Municipality for animal impoundment and kenneling.
 - e) At large – shall mean when an animal is beyond the boundaries of the land occupied by the owner 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 directly attached to a leash not exceeding three meters in length and that leash is under the direct and continuous physical charge of a person competent to control it.

- f) Cat – shall mean any cat, male or female, of every breed or classification or mixture of breeds over eight (8) weeks of age.
- g) Council – shall mean the Council of The District of Lakeland No. 521.
- h) Dangerous Animal means;
 - (i) any animal that, without provocation in a vicious or menacing manner, chases or approaches a person or domestic animal in an apparent attitude of attack;
 - (ii) the animal has a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise threaten the safety of persons or domestic animals;
 - (iii) the animal has, without provocation, bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal; or
 - (iv) the animal is owned primarily or in part for the purpose of fighting or is trained for fighting.
- i) Dog - shall mean any dog, male or female, of every breed or classification or mixture of breeds over eight (8) weeks of age.
- j) Owner – includes
 - (i) a person, persons, partnerships, association or corporation who keeps, possesses, harbors, or has care of or control of an animal;
 - (ii) the person responsible for the custody of a minor where the minor is the owner of an animal.
- k) Municipality – shall mean the District of Lakeland No. 521.
- l) Peace Officer – shall mean a person or class of persons appointed as a Special Constable pursuant to *The Police Act, 1990*, a member of the Royal Canadian Mounted Police, an Animal Control Officer and the Administrator.
- m) Poundkeeper – shall mean a person, persons, or their associates designated by the Municipality to maintain and administer the animal shelter.
- n) Prohibited Area for Animals – shall mean any area in the Municipality identified in which animals are prohibited from entering.

CONTROL AND NUISANCE

3. No owner of an animal shall permit that animal to be at large in the Municipality.
4. For the purpose of Court proceedings, to enforce the provisions of this Bylaw, if an animal is found to be at large, the owner shall be deemed to have permitted that animal to be at large unless the owner proves to the satisfaction of the Court that at the time of the offence, the owner did all that was reasonable to prevent the animal from being at large and was actively attempting to prevent the animal from continuing to be at large.
5. An Animal Control Officer may take any animal found at large contrary to the provisions of this Bylaw to the animal shelter where it shall be kept for ninety-six (96) hours unless the owner redeems the animal by paying the Municipality the sum identified in schedule "A"; required for picking up and delivering the animal to the shelter and also paying the Municipality the fee for each day or part day or portion thereof that the animal is impounded for the care and keep of the animal.
6. All impounded animals which are not claimed or redeemed by their owners within the time limits imposed under Section 5 may be sold by the Poundkeeper or other person so authorized by the Municipality, subject to approval by an Animal Control Officer.
7. The Poundkeeper or any other person designated by an Animal Control Officer may destroy any animal so impounded that has not been redeemed within ninety-six (96) hours.
8. No animal shall be destroyed unless authorized by an Animal Control Officer.
9. The Animal Control Officer shall keep a record and picture of all animals impounded.
10. Should any animal be destroyed, the Animal Control Officer shall keep a record of the manner in which they are destroyed.
11. Any Animal Control Officer or Veterinarian may take immediate action to humanely destroy any sick or injured animal where, in the opinion of the Animal Control Officer or Veterinarian, immediate destruction of the animal is necessary to avoid unnecessary suffering by the animal.
12. An Animal Control Officer or Veterinarian that destroys an animal pursuant to this Bylaw shall take reasonable efforts to notify the owner of the animal before it is destroyed. No action lies against the Animal Control Officer or the Veterinarian due to the destruction of the animal or the failure to find or contact the owner.

PROHIBITED AREAS FOR ANIMALS

13. The following areas within the Municipality are hereby identified as prohibited areas for animals:

Public Beaches Christopher Lake

- a) Bells Beach Beach being Surface Parcel Number 151416129 to the water's edge.
Public Reserve R1 Plan 70PA14531 Bells Beach.
- b) Lions Park Beach being Surface Parcel Number 164323313 to the water's edge
Parcel A Plan 63PA07588 Spruce Point

Public Beaches Emma Lake

- c) Neis Beach Beach being Surface Parcel Number 134928007 to the water's edge.
Public Reserve R3 Plan 78PA10351 Neis Beach
- d) Sunset Bay Beach being Surface Parcel Number 142048780 to the water's edge.
Public Reserve R1 Plan 69PA16293 Sunset Bay
- e) McPhail Cove Beach being Surface Parcel Number 134927781 to the water's edge.
Public Reserve R1 Plan 67PA09427 McPhail Cove
- f) Sunnyside Beach being all lands from the West portion of Surface Parcel Number 149258931 through Surface Parcel Number 161996901; parallel to the water identified as all lands from the retaining wall to the water's edge; continuous through all publicly leased land East to the East portion of Surface Parcel Number 148048746 extending North to water's edge.

14. No owner shall permit or allow their animal to be in any prohibited area set out in this Bylaw.
15. A police service dog who is on active duty and any person who owns or is physically reliant on a guide dog trained and used to assist such a person, shall not be required to comply with Section 13 or 14 of this Bylaw.
16. An Animal Control Officer may enter into the land surrounding any building in pursuing any animal that has been observed at large.
17. No person, including the person who is the owner of the animal which is being or has been pursued, seized or impounded, shall obstruct or interfere or attempt to obstruct or interfere with the Animal Control Officer in the execution of their duties as provided in this Bylaw.

18. No person shall, without limiting the generality of Section 17:
 - a) unlock or unlatch or otherwise open a vehicle in which an animal is seized under this Bylaw have been placed, so as to allow or attempt to allow any animal to escape therefrom; or
 - b) remove or attempt to remove any animal from the possession of the Animal Control Officer.

19. No person shall:
 - a) untie, loosen or otherwise free an animal which has been tied or otherwise restrained; or
 - b) negligently or willfully open a gate, door or other opening of a fence or enclosure in which an animal has been confined and thereby allow an animal to run at large; or
 - c) tease, entice, bait or throw objects at a confined animal.

20. No owner shall willfully fail to provide shelter or care to an animal in such a way such as to:
 - a) desert or abandon such animal for which that person is an owner.
 - b) fail to provide shelter so that the animal is protected from the outdoor elements including the heat, cold, rain or inclement weather.
 - c) deprive the animal from food or adequate source of fresh cool water.

21. The owner of an animal shall ensure that such an animal shall not be left unattended in any motor vehicle.

22. It shall not be an offence against this Bylaw in Section 21 should the owner adequately restrict the animal as to prevent access to a person or persons and such suitable ventilation and temperature control is provided to the animal.

23. No person shall willfully fail to claim an animal that is being held at an animal shelter for which that person is an owner.

ANIMAL FECES

24. An owner or occupant of private property must not allow animal feces to accumulate on the property which unreasonably interferes with the use and enjoyment of adjoining premises by owners or occupants.

25. An Animal Control Officer in addition to any penalty or charge, may serve an owner or occupant of private property with a notice to remove all animal feces from the property within ninety-six (96) hours of service of the notice.

26. A notice under Section 25 may be served personally on an owner or occupant of private property, or sent by registered mail addressed to the owner of the property at the mailing address shown on the last revised assessment roll of the Municipality, or by posting such notice on the dwelling. A notice served by registered mail is deemed to have been received on the fifth day following the date of its mailing.

27. The Municipality may remove the feces from the property if:
 - a) the person to whom the request is made fails to remove the feces within ninety-six (96) hours; or
 - b) after reasonable inquiry, the whereabouts of the owner or occupant of the property cannot be determined.

If the Municipality removes feces pursuant to this Bylaw, the Municipality may collect from the owner reasonable charges and expenses as a debt due to the Municipality and that the Municipality may recover the charges and expenses by action in a court of competent jurisdiction or by adding the amounts to the tax roll of the property.

28. If an animal defecates on any public or private property other than the property of its owner, the owner of the animal shall remove the defecation immediately.
29. Section 28 shall not apply to a person who owns and is physically reliant on a guide dog trained and used to assist such person.

PERMITTED NUMBER OF ANIMALS

30. No person occupying a premise within the District of Lakeland shall possess or harbor more than the maximum number of animals as outlined in this Bylaw.
31. The owner of any property shall not permit or allow to be permitted an occupant from keeping or harbouring more than then maximum number of animals as allowed by this Bylaw.
32. For the purpose of this Bylaw the maximum number of animals allowed to be kept or harboured at any property or dwelling is;
 - a) Not more than three cats;
 - b) Not more than three dogs;
 - c) Or in any case a combination of cats and dogs not greater than four.
33. The provisions of Section 32 do not apply to animals:
 - a) under the age of six (6) months;
 - b) being temporarily kept or harbored by veterinarians within the course of their profession;
 - c) being temporarily kept or harbored at an animal shelter.
 - d) in the course of transit.
 - e) where written authorization has been issued by the Municipality to a property owner or animal owner or both.
34. Any person not compliant with Section 32 of this Bylaw on the date of passing shall have six months to become compliant with this Bylaw.

AGGRESSIVE ANIMALS

35. The owner of an animal shall ensure that such animal shall not:
- a) bite a person or animal whether on the property of the owner or not;
 - b) do any act to injure a person or animal whether on the property of the owner or not;
 - c) chase or otherwise threaten a person or animal whether on the property of the owner or not, unless the person chased or threatened is a trespasser on the property of the owner;
 - d) cause damage to property or other animals.

DANGEROUS ANIMALS

36. No Animal that has been declared dangerous by any Court in Canada or as ascribed by Section 375 of *The Municipalities Act* shall be permitted within the boundaries of the Municipality.
37. Upon notification, any Peace Officer may seize, without warrant, any animal that is a Dangerous Animal and forthwith deliver such animal to an animal shelter.
38. For the purpose of Section 37 the following minimum standards must apply:
- a) that the enclosure shall be constructed of wood or any other building material of sufficient strength and in a manner adequate to:
 - (i) confine the animal; and
 - (ii) prevent the entry of young children;
 - b) the entrances and other areas by which entry to or exit from the enclosure may be made shall be locked or fastened in a manner adequate to prevent the animal from escaping from the enclosure;
 - c) in the case of a dog, the enclosure shall be at least 3 metres in length, 1.5 metres in width, and 1.8 metres in height;
 - d) the enclosure shall have a top secured to the sides of the enclosure;
 - e) the enclosure shall:
 - (i) have a floor secured to the sides of the enclosure; or
 - (ii) the sides of the enclosure shall be embedded in the ground to a depth of at least 0.6 metre;
 - f) the enclosure shall be located no closer than 5 metres from a dwelling unit located on an adjacent property; and
 - g) the enclosure shall:
 - (i) provide protection from the elements for the animal;
 - (ii) provide adequate light and ventilation for the animal; and
 - (iii) be kept in a sanitary and clean condition.
39. If an animal is seized pursuant to Section 37 or, in the opinion of an Animal Control Officer, an animal is dangerous or a complaint is made that an animal is dangerous, a hearing at Provincial Court shall be held to determine if, based upon the evidence adduced at the hearing, the animal is, in fact, dangerous.

40. Notice of the hearing referred to in Section 39 shall be served upon the owner of the animal. The notice shall be served:
 - a) in the case of an owner who is an individual:
 - (i) by delivering it personally to the owner; or
 - (ii) if the owner cannot conveniently be found, by leaving it for the owner at the owner's residence with a person at that residence who appears to be at least 18 years of age.
 - b) in the case of an owner that is a corporation:
 - (i) by sending it by registered mail to the registered office of the corporation; or
 - (ii) by delivering it personally to the manager, secretary or other executive officer of the corporation or the person in charge of any office or other place where the corporation carries on business in Saskatchewan.
41. Where an owner does not appear at the time and place appointed for the hearing after having been notified of that time or place, the Court may proceed *ex parte* to hear and determine the proceedings in the absence of the owner as fully and effectively as if the owner had appeared.
42. If the Court is satisfied, on the evidence, that the animal is dangerous, the Court may make an order including any or all of the following terms:
 - a) If the Animal is to be sold or given away the owner shall notify any prospective owner that the Animal has been declared Dangerous before it is sold or given away.
 - b) That the owner shall report to the Animal Control Officer within 72 hours if the Animal is sold, given away or the owner has given up possession of the animal or it becomes deceased to the Animal Control Officer no more than 72 hours after.
 - c) Notify the Animal Control Officer of the name, address and telephone number of any new owner of the animal no more than 7 days after the new owner has taken possession of the animal.
 - d) Where the animal is moved to a different municipality, the owner shall notify the Clerk of that city or Administrator of the municipality no more than 72 hours after the animal is moved to that city or municipality.
 - e) That the animal be destroyed or otherwise disposed of at the owner's expense and shall give directions with respect to the destruction or other disposition.
 - f) Any other reasonable condition so ordered by the Court.
43. A person desiring to appeal an order pursuant to this Section shall, within seven days of the issuance of the order, file a notice of appeal with Her Majesty's Court of Queen's Bench, and the provisions of the *Criminal Code* apply with any necessary modification.
44. Unless the owner otherwise agrees, every order for destruction of an animal shall state that it shall not be implemented for eight days.
45. Where an appeal is taken against an order for the destruction of an animal, the application of the order is stayed pending the disposition of the appeal.

46. Where an order for destruction is overturned on appeal, the animal shall be released to the owner after the owner has paid the costs of impoundment of the animal.
47. Regardless of the outcome of the appeal, the owner shall be responsible for the payment of the costs of impoundment of the animal pending the hearing.
48. Any owner who owns an animal for the purpose of fighting, or who trains, torments, badgers, baits or otherwise uses an animal for the purpose of causing or encouraging the animal to make unprovoked attacks on persons or domestic animals is guilty of an offence.
49. Any owner who owns an animal that, without provocation, attacks, assaults, wounds, bites, injures or kills a person or domestic animal, is guilty of an offence.
50. Where a person has been found guilty of an offence pursuant to Section 35, the convicting judge or justice may make an order including any or all of the requirements of Section 42 or may make an order for destruction pursuant to Section 42.
51. Any person who does not comply with any order or part of an order issued pursuant to this Bylaw is guilty of an offence.
52. An order regarding a dangerous animal issued pursuant to this Bylaw continues to apply if the animal is sold or given to a new owner or is moved to a different municipality.
53. For the Purpose of this Bylaw no animal shall be considered dangerous for actions carried out while the animal was:
 - a) acting in performance of police work;
 - b) or working as a guard animal on commercial property while:
 - (i) securely enclosed on the property by a fence or other barrier sufficient to prevent the escape of the animal and the entry of young children; and
 - (ii) defending that property against a person who was committing an offence.

ENFORCEMENT, OFFENCES AND PENALTIES.

54. Subject to Section 56 every person who contravenes any provision of this Bylaw is guilty of an offence and liable on Summary Conviction:
 - a) In the case of an individual, to a fine of not more than \$10,000.00 or imprisonment for not more than one year, or both; and
 - b) in the case of a corporation, to a fine of not more than \$25,000.00 or imprisonment of the directors of the corporation for not more than one year, or both; and
 - c) in the case of a continuing offence, to a maximum daily fine of not more than \$2,500.00 per day or any portion thereof.
55. Where a Peace Officer issues a summary ticket for a violation of this Bylaw, the Peace Officer shall enter onto the ticket the prescribed amount as set out in Schedule 'A' of this Bylaw.

56. In addition to any fine or penalty imposed by the Court, the Court may after a third and any subsequent conviction against this Bylaw, further order any of the following:
- a) that the owner complies with the conditions of the Bylaw;
 - b) that the owner take actions to prevent further violation of the Bylaw;
 - c) that the owner surrender the animal;
 - d) that the owner be prohibited from acquiring, possessing, or harbouring any animal within the Municipality for up to 2 years;
 - e) that the owner erects, constructs, builds or causes to be erected, constructed or built a fence, enclosure, pen, run or such improvement for the animal; or
 - f) any other such conditions as may be ordered by the Court.

SEVERABILITY

57. 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.

COMING INTO FORCE

58. Bylaw 13 - 2010 is hereby repealed.
59. This Bylaw shall come into force and take effect on the day of its final passing.

”Cheryl Bauer Hyde”
REEVE

“Tammy Knuttila”
ADMINISTRATOR

Read a third time and adopted
the 5th day of May, 2017.

SCHEDULE "A"

Hereto annexed and forming part of Bylaw No 6 - 2017

PER SECTION 5

- Municipal Maintained Shelter
 - fee of \$50.00 per day, or any portion thereof. Day commences at 12:00 am.
 - Any travel kilometers associated with travel to or from the shelter at the municipally approved rate.

- Private animal shelter or veterinarian shelter fees
 - Actual charge of the veterinarian plus any travel kilometers associated with travel to or from the private or veterinarian shelter.
 - Fee to euthanize shall be equal to the charge of the veterinarian plus any mileage fees associated with the travel.
 - Other care and sustenance fee shall be actual amount charged plus any mileage associated with travel.

PER SECTION 55

VOLUNTARY PENALTIES FOR NON-CONFORMITY WITH BYLAW

SECTION	OFFENCE	VOLUNTARY PAYMENT (FINE)		
		1st OFFENCE	2nd OFFENCE	SUBSEQUENT OFFENCE
Section 3	At Large	\$50.00	\$100.00	\$250.00
Section 14	Prohibited Area	\$100.00	\$150.00	\$250.00
Section 17/18	Interfere with Enforcement	\$100.00	\$250.00	\$500.00
Section 19/20	Free Animal / Torment	\$100.00	\$200.00	\$500.00
Section 24	Property owner fail to remove feces	\$150.00	\$300.00	\$500.00
Section 30	Aggressive animal	\$200.00	\$500.00	
Section 57	Fail to abide by Order of Court	\$200.00	\$500.00	\$800.00

For all other sections of this Bylaw not specifically noted in this Schedule the fine shall be, in the case of a first offence, not less than \$100. In the case of a second offence not less than \$150.00 and in the case of a third or subsequent offence to a fine not less than \$300.00.