

## VILLAGE OF PARADISE HILL

### BYLAW #02/2016

#### DOG BYLAW

#### **A BYLAW OF THE VILLAGE OF PARADISE HILL TO REGISTER, RESTRAIN AND IMPOUND DOGS CITED AS THE DOG BYLAW.**

The Council of the Village of Paradise Hill, in the Province of Saskatchewan, hereby enact as follows:

1) **DEFINITIONS:**

a) For the purpose of this bylaw the expression:

i) ADMINISTRATOR means the Village Administrator or an employee of the Village designated by the Administrator to act on behalf of the Village.

ii) COUNCIL means the Council of the Village of Paradise Hill.

iii) DANGEROUS DOG shall mean:

(1) 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.

(2) 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.

(3) any dog which has without provocation, bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal.

(4) any dog owned primarily or in part for the purpose of dog fighting or is trained for dog fighting.

but shall not include:

(5) any dog acting in the performance of police work;

(6) 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 pre-school age; and

(b) defending that property against a person who is committing or attempting to commit an offence.

iv) DOG shall mean and include both male and female dogs and wherever the term is used herein, it shall be construed to mean both male and female dogs except where the context precludes such reference.

v) ANIMAL CONTROL OFFICER shall mean a person designated and appointed by resolution of Council or the Administrator to check dog licenses, apprehend and impound dogs running at large, or to enforce or to carry out any of the provisions of this bylaw.

vi) JUDGE means a judge of the Provincial Court of Saskatchewan, or a justice of the peace.

vii) OWNER includes:

- (1) a person who keeps, possesses or harbours a dog.
- (2) the person responsible for the custody of a minor where the minor is the owner of the dog.

but does not include:

- (3) a veterinarian registered in accordance with The Veterinarians Act, S.S. 1987 and amendments thereto who is keeping or harbouring a dog for the prevention, diagnosis or treatment of a disease or injury.
  - (4) the Village of Paradise Hill, 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.
- viii) PROVOCATION means an act done intentionally for the purpose of provoking a dog.
- ix) POUNDKEEPER shall mean a person designated and appointed by Council or the Administrator to maintain a suitable accommodation (pound) for the keeping of impounded dogs.
- x) VILLAGE shall mean the Village of Paradise Hill, Saskatchewan.

## **2) SEVERABILITY**

- a) If any section, subsection, sentence, clause, or phrase or other portion of this bylaw is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that provision 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.

## **3) LIABILITY:**

- a) No liability whatsoever shall attach to the town, the Bylaw Enforcement Officer, Animal Control Officer, Poundkeeper, Veterinarian, Peace Officer, or other person acting under this bylaw and in good faith, arising out of the capture, seizure, restraining, impounding, failure to contact the owner, sale or destruction of any dog.

## **4) OFFENCES:**

- a) No owner shall keep, possess or harbour a dangerous dog, as defined in Section 1 a) iii) of this Bylaw, within the Village of Paradise Hill.
- b) Where the Animal Control officer or the Administrator, either through personal observation or after an investigation initiated by a complaint, considers a dog to be dangerous, a notice of hearing may be served on the owner of the dog, pursuant to Section 375(4) of the Municipalities Act. Section 4) a) shall apply to any dog declared dangerous as a result of said hearing.
- c) No owner shall keep, possess or harbour any dog which is not licensed in accordance with Section 6 of this Bylaw.
- d) No owner or owners shall keep, possess or harbour more than three dogs over the age of four months, in one building or residence, or in the case of an

apartment building, no owner or owners shall keep, possess, or harbour more than three dogs over the age of four months in one apartment.

- e) Any dog found within the Village shall be deemed to be running at large, unless:
  - i) Such dog is within the boundaries of the house, dwelling, premises or land owned, used or occupied by the owner of the dog, or
  - ii) Such dog is within the boundaries of the house, dwelling, premises or land owned, used or occupied by a person who has given express permission for such dog to be within such boundaries, or
  - iii) Such dog is on a leash and in direct continuous charge of a person competent to control it, or
  - iv) Such dog is securely confined within an enclosure, or
  - v) Such dog is securely fastened so that it cannot roam at will.
- f) No owner shall permit any dog to run at large, and when a dog is found to be running at large, its owner shall be deemed to have failed or refused to comply with the requirements of this bylaw, and is guilty of an infraction thereof.
- g) No owner shall permit a dog to create a disturbance by excessive barking, howling or in any other way causing an interference with the lawful use and enjoyment of property by any other person.

5) **REMOVAL AND DISPOSAL OF DOG FECES:**

- a) An owner or occupant of private property shall not allow dog feces to accumulate on the property so as to create a health hazard or to cause odours.
- b) If a dog deposits feces on land other than within the boundaries of land owned by the owner of such dog, or within the boundaries on land owned by a person who has given express permission for such dog to deposit feces on his land, then the said owner shall immediately remove and dispose of the said feces, in a sanitary manner so as to prevent odours and sanitation complaints.

6) **LICENSING:**

- a) Every person who owns or possesses a dog or who harbours a dog over the age of 4 months for:
  - i) 30 consecutive days, or
  - ii) 60 or more days in one yearwithin the Village limits, shall register and obtain a license for the said dog from Village Office, on or before January 1<sup>st</sup> in each year, or immediately after the date of possession.
- b) 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 Village.
- c) When applying for a license for the first time for any particular dog, the applicant must furnish a picture of the dog.
- d) The Village shall furnish a license tag, or dog tag, showing the words "Paradise Hill", license number and year to the owner of the dog or applicant.
- e) Every owner shall cause his/her dog to wear a collar around its neck with the dog tag attached thereto, whenever such dog is beyond the boundaries of the house, dwelling, premises or land owned, used or occupied by such owner.

- f) No person, other than the owner of the dog, shall remove the collar or the dog tag, of such dog.
- g) The owner of any dog within the Village shall, on demand of the Administrator or Animal Control Officer, show his/her dog tag, license receipt or other evidence that he/she has paid the license fee provided in this Bylaw for the current year.
- h) All licenses expire on December 31<sup>st</sup> of the year in which they are issued and renewals are due and payable on January 1<sup>st</sup> of the following year.
- i) The license fee shall be \$35.00 for each dog.
- j) All license fees that are due on January 1<sup>st</sup>, and not received by February 28<sup>th</sup> of any year, shall be subject to a late payment fee of \$5.00.
- k) A late payment fee of \$5.00 shall apply to license fees not paid within two months of the date of possession of any dog.
- l) A license fee that becomes due after July 1 and before December 1 in any year shall be \$20.00. A license fee that becomes due on or after December 1 in any year shall be free of charge for the current year.
- m) A dog owned by a disabled person and used as a service dog shall be registered and licensed, as provided in this Bylaw, without charge.
- n) Replacement dog tags shall be provided free of charge.
- o) Applicants for a dog license shall pay the appropriate fee to the Administrator prior to a dog license being issued.
- p) A license fee paid pursuant to this bylaw shall not be refundable to the owner on disposal or demise of the dog.
- q) A license issued is not transferable to any other dog.

7) **IMPOUNDING:**

- a) For the purpose of impounding any dog found running at large in the Village:
  - i) The Lloydminster SPCA shall be designated as the pound keeper for the Village of Paradise Hill, or
  - ii) A pound may be established at such place as may from time to time be designated by Council or the Administrator as a pound.
- b) The Village is authorized to appoint an Animal Control Officer to apprehend, restrain, and impound any dog or dogs running at large in the Village; to issue violation notices and to carry out additional duties in the enforcement of this Bylaw.
- c) The Animal Control Officer may use a tranquilizer gun, lasso and snare ropes, traps, nets, or any other such apparatuses to capture and/or impound any dog found running at large.
- d) If a dog wearing a dog tag is captured and confined pursuant to this section, the Animal Control Officer shall make reasonable effort to notify the person who is found by the records of the Village Administrator to be the owner of the dog.
- e) If a dog who is not wearing a dog tag is captured and confined pursuant to this section, the said dog will be impounded, and if the owner of the dog can

be ascertained by the records of the Village Administrator, reasonable effort will be made to notify the owner that the dog has been impounded.

- f) Any person of legal age may restrain any dog running at large in the Village and deliver the dog restrained to the Animal Control Officer. Such person shall provide a statement in writing to the Animal Control Officer or the Administrator, describing the dog restrained, the name of the owner if known, and the time and place of restraint.
- g) Fees payable for an impounded dog, length of confinement for an impounded dog, disposal of an impounded dog and other procedures and policies relating to the impounding of dogs are all subject to rules, regulations, and policies as set out by the Lloydminster SPCA.

8) **TRAPS:**

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

9) **POWERS OF ANIMAL CONTROL OFFICER:**

- a) The Animal Control Officer may capture and impound any animal in respect of which he believes an offense is being or has been committed under this Bylaw.
- b) The Animal Control 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 harbinger may be charged for allowing a dog to run at large whether possession of the dog is obtained by the Animal Control Officer or not.
- c) The Animal Control 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.
- d) Where there are reasonable and probable grounds to believe a dog located on private property is in violation of any provision of this Bylaw, and after reasonable efforts, the owner of the dog cannot be located, and it is in the interest of the public to stop the continuation of an offense, the Animal Control 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.
- e) Where, after reasonable efforts, a dog that is running at large cannot be captured and the owner of a dog cannot be ascertained or located, the Animal Control Officer may destroy the animal. A form shall be completed by the Animal Control 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.
- f) Where a dog is deemed to be repeatedly running at large, and the owner of the dog has been fined on two previous occasions, the Animal Control Officer may impound the dog and prevent said dog from being released to its owner or any other owner within the limits of the Village of Paradise Hill.
- g) Where the Animal Control Officer reasonably believes that a dog has attacked, is attacking, or is about to attack, injure or menace any person, the Animal Control Officer may destroy such dog forthwith.

- h) The Animal Control Officer may delegate his powers to any person for the purposes of assisting the Animal Control Officer in the apprehension of any dog that is in contravention of this Bylaw.

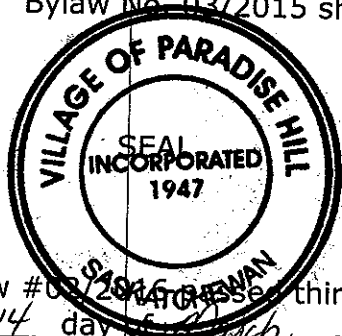
10) **PENALTY:**

- a) Any person who is in violation of the following provisions of this Bylaw may, at the discretion of the Animal Control Officer, be served with a Bylaw Violation Notice, and pay a voluntary penalty, in the amount indicated, within seven (7) days of the date of being served with the Bylaw Violation Notice:
- |                   |                             |                |          |
|-------------------|-----------------------------|----------------|----------|
| i) Section 4 a)   | Harboring dangerous dog     | First Offense  | \$75.00  |
|                   |                             | Second Offense | \$150.00 |
| ii) Section 4 c)  | Failure to license          | First Offense  | \$75.00  |
|                   |                             | Second Offense | \$150.00 |
| iii) Section 4 d) | Harbor more than 3 dogs     | First Offense  | \$75.00  |
|                   |                             | Second Offense | \$150.00 |
| iv) Section 4 f)  | Running at Large            | First Offense  | \$75.00  |
|                   |                             | Second Offense | \$150.00 |
| v) Section 4 g)   | Causing a Disturbance       | First Offense  | \$75.00  |
|                   |                             | Second Offense | \$150.00 |
| vi) Section 5     | Failure to Dispose of Feces | First Offense  | \$75.00  |
|                   |                             | Second Offense | \$150.00 |
- b) If payment is made within seven days of the service of the said Bylaw Violation Notice, the person shall not be liable to further prosecution for the offense. Failure to comply with the provision of the bylaw for which the Bylaw Violation Notice was served, after 30 days from the date the voluntary penalty was paid, will result in the issue of a Bylaw Violation Notice for a second offense.
- c) Any person served with a Bylaw Violation Notice as set out in 10 a) above and who does not pay the penalty as described therein, shall be liable to prosecution for the offense, and may be served with a Summons to appear in Court.
- d) Schedule "A" to this bylaw is the form to be used for a "Bylaw Violation Notice" given under Section 10 a) or Section 10 b).
- e) A "Bylaw Violation Notice" shall be served by registered mail, personal service, or by being left with an adult at the last known address of the person named in the notice.
- f) Service of a Summons shall be made by registered mail or personal service upon such person.
- g) For the purposes of Section 10 e) and Section 10 f), the Notice is deemed to have been served five days after the mailing of such notice or on the day of personal service of the notice.
- h) No voluntary payment option is available for a third offense under the same provision of this bylaw.
- i) On summary conviction, any person convicted of a breach of the provisions of this Bylaw is liable to a fine of up to \$1000.00, six months imprisonment, or both, and the court may make such order or orders as may be necessary to ensure compliance with this bylaw including but not limited to:
- An order that a dog be removed from the Village of Paradise Hill and delivered to such place as may be ordered,
  - An order destroying a dog, or

iii) An order requiring the construction or implementation of such restraints as the Court may determine necessary.

11) **TRANSITION:**

a) Bylaw No. 03/2015 shall be repealed.



Bernard Eker  
Mayor

Marion Haughan  
Administrator

Bylaw #03/2015 passed third reading  
this 14 day of March, 2016.

Marion Haughan  
Administrator

**Schedule "A"**  
**To Bylaw #02/2016**

Village of Paradise Hill  
Bylaw Violation Notice

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This official notice is issued for alleged breach of the following bylaw:  
Bylaw #02/2016

Section 4 a)	Harboring dangerous dog	_____ 1 <sup>st</sup> Offense	\$ 75.00
		_____ 2 <sup>nd</sup> Offense	\$150.00
Section 4 c)	Failure to license	_____ 1 <sup>st</sup> Offense	\$ 75.00
		_____ 2 <sup>nd</sup> Offense	\$150.00
Section 4 d)	Harbor more than 3 dogs	_____ 1 <sup>st</sup> Offense	\$ 75.00
		_____ 2 <sup>nd</sup> Offense	\$150.00
Section 4 f)	Running at Large	_____ 1 <sup>st</sup> Offense	\$ 75.00
		_____ 2 <sup>nd</sup> Offense	\$150.00
Section 4 g)	Causing a Disturbance	_____ 1 <sup>st</sup> Offense	\$ 75.00
		_____ 2 <sup>nd</sup> Offense	\$150.00
Section 5)	Failure to Dispose of Feces	_____ 1 <sup>st</sup> Offense	\$ 75.00
		_____ 2 <sup>nd</sup> Offense	\$150.00

Details of Alleged Violation: (date and time, location, description of dog, other)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Penalty:**

Voluntary payment, in the amount indicated above, may be made in person at the Village Office, or by mail to:

Village of Paradise Hill  
Box 270  
Paradise Hill, Sask. S0M 2G0

If voluntary payment is not received by \_\_\_\_\_, a summons requiring your appearance in provincial court will be issued.

Issued this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ .

\_\_\_\_\_  
Signature

**Take note that where a dog is impounded, said dog may be vaccinated, fixed, adopted, or sold after 72 hours. To guarantee the return of an impounded dog, the voluntary fine must be paid within 72 hours.**