

TOWN OF TISDALE

BYLAW 5/05

A BYLAW OF THE TOWN OF TISDALE TO REGULATE AND CONTROL THE OWNERSHIP AND POSSESSION OF DOGS WITHIN THE TOWN

WHEREAS Section 135 of The Urban Municipality Act, 1984 authorizes a Council to License, Regulate and Control any animal or class of animals; and The Urban Municipality Act, 1984 also authorizes a Council to control nuisances and deal with waste and refuse;

NOW THEREFORE, the Council of the Town of Tisdale enacts as follows:

1. TITLE

This Bylaw may be referred to as the “Dog Control Bylaw”.

2. DEFINITIONS

In this bylaw the term:

- a) COUNCIL – means the Council of the Town of Tisdale.
- b) DOG – shall mean and include every dog of either sex, and shall mean and include any female dog that has been spayed and any male dog that has been emasculated.
- c) DOG CATCHER – shall mean any person(s) appointed by Council for the enforcement of this bylaw, any member of the Tisdale Detachment of the R.C.M.P. and any other person or agency appointed by Council to restrain, receive or impound dogs.
- d) DOG RUN – shall mean any enclosure or structure of any kind whatsoever, designed or used for the harbouring or containment of a dog.
- e) OWNER – includes:
 - i) a person who keeps, possesses or harbours a dog;
 - ii) the person responsible for the custody of a minor where the minor is the owner of a dog;but does not include:
 - iii) a veterinarian registered pursuant to The Veterinarians Act, 1987 who is keeping or harbouring a dog for the prevention, diagnosis or treatment of a disease of or an injury to the dog.
 - iv) a municipality or the Saskatchewan Society for the Prevention of Cruelty to Animals, a local Society for the Prevention of Cruelty to Animals or a Humane Society operating pursuant to The Animal Protection Act, with respect to an animal shelter or impoundment facility operated by it.
- f) POUND – shall mean the premises and facilities, as may be designated by the Town as the Town Pound.
- g) POUNDKEEPER – shall mean a person, persons, firm or corporation designated by Council to maintain and administer the pound.
- h) RUNNING AT LARGE – shall mean if the dog is off the premises of its owner and is not on a leash.

3. LICENSES

- a) Every owner of a dog shall no later than January 31 in each year obtain a license for the said dog from the Town Office, and shall pay therefore an annual fee as set out in Schedule “A” of this Bylaw. It is an offence under this bylaw for any person to own, keep, possess or harbor a dog within the limit of the Town of Tisdale without having obtained such a license for that animal.

- b) When applying for a license, the applicant shall provide the Town with a description of the dog, the name and address of the owner or the keeper of the dog, the breed of the dog, a certificate from a veterinary surgeon if the dog has been neutered, and other relevant information that may be required for the Town Office or Appointed Representative.
- c) All licenses expire on December 31st of the year in which they are issued.
- d) A dog owned by a sightless person and used as a guide shall be registered and licensed as provided in this Bylaw, but without charge.
- e) Licenses issued pursuant to the section are not transferable and non-refundable.
- f) Every owner shall cause the dog to wear a collar to which shall be attached the dog license tag issued by the Town.
- g) No person other than the owner of the dog licensed pursuant to the Bylaw shall remove its collar or tag.
- h) No owner shall be issued, or entitled to hold more than 3 licenses at any given time, and no person or persons other than a veterinarian shall harbour, keep or possess more than 3 dogs that are three months of age and older at a residence or any other premises at any time. (Bylaw 8/08 Amendment)

4. DOGS RUNNING AT LARGE

- a) The owner of a dog, whether licensed or unlicensed, found running at large is guilty of an offence of this Bylaw.
- b) For the purpose of impounding any dog found running at large in the Town of Tisdale, a Pound is hereby established at the Tisdale Animal Clinic or such other place or places as may from time to time be designated by resolution of Council.
- c) Council may from time to time appoint a Poundkeeper to carry out the provisions of this bylaw.
- d) The Poundkeeper is authorized to receive and detain in a Pound any dog found running at large and shall detain that dog until he/she shall have disposed of it in accordance with the provisions of this bylaw.
- e) Any person of the full age of eighteen (18) years may restrain any dog found running at large in the Town of Tisdale and shall deliver the dog so restrained to the Poundkeeper. The person shall leave the Poundkeeper a statement in writing, describing the name of the owner of the dog (if known) and the place and time of the restraint.
- f) Council may from time to time appoint a dogcatcher or dogcatchers who is/are authorized to restrain and impound any dog found running at large in the Town of Tisdale.
- g) The Poundkeeper shall keep a record of all dogs impounded and of the time and manner of their disposal and shall make monthly returns to the Town of all fees received. The record book shall be open for inspection any time the Poundkeeper is in attendance at the Pound.
- h) Any Poundkeeper appointed under the provisions of this Bylaw is hereby empowered to collect all necessary charges and fees in connection with the impounding of dogs and for the keeping of such dogs at the Pound.
- i) If an impounded dog is licensed, the Poundkeeper shall within twenty-four (24) hours forward to the owner a notice in writing advising such owner of the impounding and setting forth the amount required to be paid in order to have the dog released and the date and hour when it may be sold or destroyed if not claimed and fees paid within 72 hours, and the date and hour when it may be sold or destroyed if not claimed and fees paid within 72 hours. It shall be sufficient to post the notice on the door of the owner at the address shown on the records of the Town, and such notice shall be posted at least 72 hours before the said sale or destruction takes place.
- j) If an impounded dog is unlicensed, the Poundkeeper shall cause a notice to be posted in the Town Office, giving a description of the dog, the date and time when it was impounded, and the date and hour when it may be sold or destroyed if not claimed and fees paid within 72 hours. Such notice shall be posted at least 72 hours before the said sale or destruction takes place.
- k) During the period of impounding of any dog, it shall be the duty of the Poundkeeper to supply such dog with adequate food, water and heated shelter.

- l) The owner of any dog impounded, in order to have it released from the Pound, shall satisfy the Poundkeeper by reasonable evidence that he is the lawful owner or person entitled to the possession of the dog and shall pay to the Town or the Poundkeeper an impoundment charge, as set out in the Schedule to this Bylaw.
- m) Where an impounded dog is required by Bylaw to be licensed and a license fee has not been obtained, that license fee shall be paid in addition to the impoundment charge before the dog is released from the Pound.
- n) If an impounded dog is not claimed within seventy-two (72) business hours from the time notice of the impoundment has been given as set out above, the dog may be sold or given away as the Poundkeeper may decide without further notice after the expiration of the said period.
- o) In the event that the dog referred to in the paragraph immediately above has not been claimed within the specified time (and all fees and charges paid as aforesaid), or not sold or given away as described above, that animal may be destroyed in such manner and at such time as the Poundkeeper may determine.

5. NUISANCES AND INJURIES

- a) A dog shall be deemed to create a nuisance when it creates a disturbance, annoyance or discomfort for or to other persons residing in the neighborhood, or to the public at large, whether by loud or frequent barking, howling or yelping, by leaving the premises of its owner or other caretaker, by chasing motor or other vehicles, or in any other manner or way.
- b) The owner and any other person with possession or care of a dog committing a nuisance shall be required to take immediate action to eliminate the nuisance, and it shall be a breach of this Bylaw to fail to remedy the nuisance or to permit or allow it to continue or be repeated.
- c) The owner or other person with possession or care of a dog which bites or causes any injury to a person shall also be guilty of an offence under this Bylaw, unless the person so charged is able to establish on a balance of probabilities that:
 - i) The dog was sufficiently provoked by the person so bit or injured, and;
 - ii) The dog was not running at large at the time in question, and the person so charged had otherwise taken all reasonable steps to prevent the biting or other injury as the case may be.

6. DEFECATION

- a) If a dog or other animal defecates on any public or private property within the Town of Tisdale other than on the property of its owner, the owner of the animal shall cause the defecation to be removed immediately.
- b) Any person owning or occupying property in the Town of Tisdale shall remove any and all dog defecation from the said property on a daily basis and shall dispose of the defecation in a sanitary manner.
- c) Failure to cause the removal of defecation as required by subsection (1) or (2) of this section shall be a breach of this Bylaw.

7. FEMALE DOGS

Every owner of a female dog in heat shall keep the dog housed at all times during the whole period that the dog shall be in heat. Failure to do so shall be a breach of this Bylaw.

8. DOG RUNS

- a) No person shall construct or cause to be constructed a dog run on any property in the Town of Tisdale within one (1) metre of the property line or within five (5) metres of a neighboring dwelling unit.
- b) A dog run shall be constructed of only impervious materials or wood, and of sufficient height and strength to prevent the dog or dogs to be confined in the run from escaping therefrom, and no person shall place or allow to be placed any pervious materials within a dog run.
- c) A dog run shall be kept at all times in a sanitary condition, and the removal and disposition of all refuse shall be done in a regular and sanitary manner.

9. KENNELS

- a) Kennels for the purpose of breeding, boarding and/or selling dogs shall be prohibited within the limits of the Town of Tisdale.
- b) Notwithstanding Section 10(a), a licensed veterinarian, may as part of his/her business operation, maintain a kennel within his/her business establishment and property for the purpose of boarding, keeping and selling of dogs. All such kennels shall follow standards established in accordance with the Code of Practice adopted by the Canadian Veterinary Medical Association.

10. DANGEROUS DOGS

- a) Dangerous dog complaints shall be dealt with under the provisions of The Urban Municipality Act, 1984.

11. PENALTIES

- a) Every person who contravenes any of the provisions of this Bylaw, or fails to comply therewith, or with any notice or order given hereunder, shall be guilty of an offence and liable to the penalty as herein provided.
- b) The provisions of The Summary Offences Procedures Act of Saskatchewan as amended from time to time shall apply to all proceedings in relation to a breach of this Bylaw.
- c) The maximum penalty for the first offence committed under this Bylaw by any person shall be \$1,000.00 and the maximum penalty for a second and each subsequent offence shall be \$2,000.00.
- d) Notwithstanding the foregoing, if a Notice of Violation charging a person for an alleged breach of this Bylaw specifies a voluntary penalty as prescribed in Schedule "A" to this Bylaw, the person so charged may pay the voluntary penalty so specified at the Tisdale Town Office, and where the Town Administrator receives the said voluntary payment prior to the initial court date specified in the said Notice, the person so charged shall not be liable to prosecution of the alleged contravention.
 - ii) Nothing in this section shall be construed to prevent any person from exercising their right to defend a charge of contravention of this Bylaw.
- e) Nothing in this Bylaw shall detract or derogate, or be construed or interpreted as so detracting or derogating, from any right or authority of the Council of the Town of Tisdale to take or authorize the taking of any action or steps to compel compliance by any person with, or to prevent or discontinue a breach of, the provisions of this Bylaw.

12. REPEAL

Bylaw Nos. 20/80 and 6/83 are hereby repealed.

13. COMING INTO FORCE

This Bylaw shall come into force and take effect on the date of passing thereof:

MAYOR

TOWN ADMINISTRATOR

CERTIFIED A TRUE COPY of Bylaw No. 5/05 passed by a resolution of Council of the Town of Tisdale on the 25th day of April, 2005.

MERV T. VEY
TOWN ADMINISTRATOR

TOWN OF TISDALE
DOG CONTROL BYLAW
SCHEDULE "A"

A. DOG LICENSE

1.	Male or Female	\$30.00
2.	Neutered Male or Spayed Female (Owner to Provide a Certificate from a Certified Veterinarian stating that the dog has been neutered/spayed)	15.00
3.	Guide/Seeing Eye Dog	No Charge
4.	Replacement Tag	\$5.00

B. VOLUNTARY PENALTIES

1. The voluntary penalty for the first violation of a section of this Bylaw in a calendar year shall be \$50.00
2. The voluntary penalty for the second violation of this Bylaw in the same calendar year is \$125.00
3. The voluntary penalty for the third or subsequent violation of this Bylaw in the same calendar year is \$250.00 per violation.

C. IMPOUNDMENT FEES

1. The impoundment fee under Section 4 (1) shall be Fifty (\$50.00) Dollars per occurrence.