

RESORT VILLAGE OF CANDLE LAKE
BYLAW NO. 04-2010
ANIMAL CONTROL BYLAW

The Council of the Resort Village of Candle Lake in the Province of Saskatchewan enacts as follows:

Short Title:

1. This Bylaw may be cited as "The Animal Control Bylaw."

Purpose:

2. The Purpose of this Bylaw is as follows:
 - a. To provide for the licensing of dogs and cats.
 - b. To control and regulate dogs and cats.
 - c. To provide for the impounding of dogs and cats that are at large.

Definitions:

3.
 - a. "Animal Control Officer" means a person employed by the Resort Village of Candle Lake to enforce provisions of this Bylaw.
 - b. "At Large" means a dog or cat that is off the premises of its owner, unless the animal is on a leash, not exceeding three meters in length and is under proper control, or is within a designated off-leash area and is under proper control.
 - c. "Bylaw Enforcement Officer" means any person appointed as a Bylaw Enforcement Officer under Section 373 of *The Municipalities Act*.
 - d. "Court" means the Provincial Court of Saskatchewan established pursuant to the Provincial Court Act.
 - e. "Dog" means either male or female.
 - f. "Municipality" means the Resort Village of Candle Lake.
 - g. "Off Leash Area" means an area designated by the Resort Village of Candle Lake where dogs are permitted to be off leash, provided that they are under control.
 - h. "Owner" includes:
 - i) a person who keeps, harbors or has possession, charge or control over an animal and:
 - ii) the person responsible for the custody of a minor where the minor is the owner of an animal.
 - i. "Resident" means person or persons whose primary residence is in the Resort Village of Candle Lake.
 - j. "Peace Officer" means any member of the Royal Canadian Mounted Police and any person appointed as a Bylaw Enforcement Officer under Section 373 of *The Municipalities Act*.
 - k. "Run" means a permanent structure outside of a residential dwelling unit solely for the containment of an animal.
 - l. "Pound keeper" means an agreement with a person, organization or corporation for the purpose of participation in the enforcement of this bylaw or for the purposes of providing pound keeping services to the Municipality.

License Required:

4.
 - a. No Resident shall own or keep any dog or cat within the Resort Village of Candle Lake unless such dog or cat is licensed as provided in this Bylaw.
 - b. Every Resident owner of a dog or cat that is over four (4) months old shall within thirty (30) days of becoming the owner obtain a license for each dog or cat.
 - c. The license obtained shall be in effect from January 1 to December 31 of a calendar year and shall be obtained on or before January 31st of each year or within 30 days of becoming an owner. Initial licensing under this Bylaw is required within 60 days of the Bylaw coming into force.
 - d. The license fee shall be as per Schedule No. 1.
5. Every person to whom a license has been issued under this Bylaw shall cause his dog or cat to wear a collar to which shall be attached the license tag issued by the Municipality pursuant to this Bylaw.
6. Non residents whose animals are found running at large will be required to purchase license fees for their dogs or cats.

7. The prescribed license shall be affixed to a collar worn by a dog or cat.
8. A Resident in the Municipality who owns, possesses, or harbors a dog or cat and refuses to take out a license shall be deemed guilty of an infraction of this Bylaw.

Regulations and Control of Cats and Dogs:

9.
 - a. No owner of a cat or dog shall permit the cat or dog to be at large; except as provided in Section 10.
 - b. For the purpose of court proceedings to enforce the provisions of this Bylaw, if a dog or cat is found to be at large the owner shall be deemed to have permitted the dog or cat 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 dog or cat from being at large.
10. Notwithstanding Section 9., an owner may permit a dog to be at large in an Off Leash Area provided that the dog has not been proven to be dangerous by judicial proceedings and provided that the dog is supervised by the owner or a person on behalf of the owner in such a manner as to prevent any danger, risk or unreasonable interference with any person's lawful use or enjoyment of the area.
11. The provisions of the Bylaw shall not apply to a blind person who is the owner of a dog which is used for guide or seeing eye dog.

Prohibited areas:

12.
 - a. No person shall permit a dog or cat to be:
 - i. Within 3 meters of any playground apparatus available for public use;
 - ii. In the Resort Village of Candle Lake Cemetery;
 - iii. In areas posted as prohibited.
 - b. This Section shall not apply to a person who owns and is physically reliant on a guide dog trained and used to assist such persons.

Cleanup of Animal Feces:

13.
 - a. If a dog or cat defecates on any public or private property other than the property of its owner, the owner shall remove the defecation immediately.
 - b. This section shall not apply to a person who owns and is physically reliant on a guide dog trained and used to assist such a person.
14.
 - a. An owner or occupant of private property must not allow animal feces to accumulate on their property which unreasonably interferes with the use and enjoyment of adjoining premises by owners and occupants.
 - b. A Bylaw Enforcement Officer or Animal Control Officer may 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.
15.
 - a. Where a dog or cat is housed or enclosed in a run, the owner shall ensure that the run is kept in a sanitary condition protecting the health and safety of the dog and/or cat and any other living being.
 - b. An owner shall ensure that a dog and/or cat run on the owner's property is located no closer than two (2) meters to a property line.
 - c. An owner shall ensure that a dog and/or cat run on the owners property is constructed of material of sufficient strength and in a manner adequate to:
 - i. confine the dog and/or cat;
 - ii. prevent the entry of children of tender years.
 - d. If in the opinion of the Bylaw Enforcement Officer, the condition or location of a dog and/or cat run is not in accordance with this Bylaw, the Bylaw Enforcement Officer may order the owner of the property on which the dog and/or cat is located to clean, alter, demolish or relocate the run within the period specified in the order.
 - e. The person to whom an order is issued pursuant to subsection (d) shall comply within the time specified in the order.

- f. An order to relocate a dog and/or cat run issued pursuant to subsection (b) will allow the owner of the property on which the run is located, at least thirty (30) days to relocate or remove the run.

Aggressive Animals:

- 16. The owner of an animal shall ensure that such animal shall not:
 - a. Bite a person or persons, whether on the property of the owner or not.
 - b. Do any act to injure a person or persons, whether on the property of the owner or not.
 - c. Chase or otherwise threaten a person or persons, 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.

Interference:

- 17. No person shall:
 - a. Untie, loosen, or free an animal which has been tied or restrained.
 - b. Neglectfully or willfully open a gate, door or opening of a fence or enclosure in which an animal has been confined and thereby allow an animal to run at large in the Municipality.
 - c. Tease, entice, bait or throw objects at a confined animal.

Impounding of Dogs and Cats:

- 18.
 - a. A Bylaw Enforcement Officer, Pound Keeper or Peace Officer may seize and impound any dog or cat that is at large.
 - b. A Bylaw Enforcement Officer, Pound Keeper or Peace Officer may enter onto the land surrounding any building in pursuit of any dog or cat which is found at large.
 - c. The Council may, by resolution, enter into an agreement with any person or organization for the purpose of participation in the enforcement of this Bylaw or for the purpose of providing pound-keeping services.

Obstruction of Enforcement:

- 19.
 - a. No person, including the person who is the owner of a dog or cat which is being impounded or has been impounded shall obstruct a Bylaw Officer, Peace Officer or Pound Keeper in the execution of their duties as provided in this Bylaw and the Dangerous Animal Bylaw.

Impoundment of Dogs and Cats:

- 20.
 - a. Subject to the provisions of The Animal Control Bylaw, the Pound keeper shall keep all impounded dogs and cats for a period of ninety-six (96) hours, excluding the day of impounding.
 - b. During the period of time the owner may reclaim the dog or cat from the pound upon payment of the Pound Keeper fee, as per Schedule 2.
 - c. No unlicensed dog or cat which is impounded shall be released to its owner until a license has been purchased, as per Schedule 1.
 - d. If a dog or cat impounded is wearing a valid license tag the Pound keeper shall, as soon as possible, notify, by telephone or writing of the seizure of the dog or cat at the telephone number or address shown in the records. No liability whatsoever shall be attached to the Municipality or the Pound Keeper by reason of the failure of the owner to receive such notice.
 - e. If a dog or cat is not reclaimed within the period set out in subsection (a) or if the owner of a dog or cat fails or refuses to comply within this period and with the conditions set out in subsections (b) and (c), the Pound Keeper may sell or humanely destroy the dog or cat, as per Schedule 2.

General Penalty:

- 21.
 - a. Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction.
 - i. In the case of an individual to a fine of not more than \$1,000.00 and
 - ii. In cases of a corporation to a fine of not more than \$2,000.00.

Voluntary Payment to Avoid Prosecution:

22.
 - a. Notwithstanding Section 21, a person who contravenes Section 4, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 17, 19, upon being served with a "Notice of Violation" as prescribed by the Municipality may voluntarily pay the prescribed penalty in Schedule 3 at the Administration Office of the Municipality.
 - b. If the Municipality receives voluntary payment of the prescribed penalty within ten (10) days, excluding the date of the Notice of Violation, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
 - c. Nothing in this Section shall be construed to prevent any person from exercising the right to defend a charge for a contravention of this Bylaw
 - d. A Notice of Violation may be issued by a Bylaw Enforcement Officer or a Peace Officer.
 - e. A person to whom a Notice of Violation is being issued under this Section shall, upon request by the person issuing the Notice of Violation, provide their name, address and date of birth. Any person who fails to provide this information is guilty of an offence and liable on summary conviction to the penalty contained in Section 21.

MISCELLANEOUS

Designated Pound keeper:

23. The Administrator of the Resort Village of Candle Lake may from time to time, as the need arises, appoint a designated Pound keeper.

Animal Abandonment:

24.
 - a. No person shall willfully fail to provide shelter or care to an animal in such a way as to desert or abandon such animal for which that person is an owner.
 - b. No person shall willfully fail to claim an animal that is being held by the Pound Keeper and for which he is an owner.

Appointment of Bylaw Enforcement Officer:

25.
 - a. A Peace Officer shall be deemed and is appointed to be a Bylaw Enforcement Officer under Section 373 of *The Municipalities Act*.
 - b. A Bylaw Enforcement Officer appointed by the Municipality and under this Section may enforce the Bylaw within the Municipality and may perform other duties that may be imposed by another bylaw regarding the control, licensing and regulation of animals.
 - c. A Pound Keeper shall be a designated Bylaw Enforcement Officer for the purpose of this Bylaw.

Severability:

26. If any section, subsection, sentence, clause, phrase or 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.

Repeal:

27. Bylaw No. 5/86, Bylaw 2/89 and Bylaw 6-2004 are hereby repealed.

This bylaw shall come into effect upon final reading of Council.

Introduced and read for the first time this 8th day of March, 2010.

Read for a second time this 12th day of April, 2010.

Read for a third time and adopted this 28th day of June, 2010.

Mayor

Administrator

Seal

BYLAW NO. 04-2010

SCHEDULE 1:

Annual License Fees:

Initial Licensing – Bylaw Effective Date to December 31, 2010.....\$5.00 per license
 Effective January 1, 2011\$10.00 per license

SCHEDULE 2:

Pound Fee:

Care and sustenance fee - \$10.00 per day
 or a portion thereof commencing at 1200 a.m. on the day
 immediately following the day of impoundment.

Euthanasia Fee - \$100.00 (If required)

SCHEDULE 3:

SECTION	OFFENCE	PENALTY	(Section 22) VOLUNTARY PAYMENT
Section 4	FAILURE TO LICENSE A DOG	100.00	50.00
Section 5 & 7	FAILURE TO ATTACH A VALID LICENSE	100.00	50.00
Section 8	REFUSAL TO OBTAIN LICENSE	200.00	100.00
Section 9	DOG OR CAT AT LARGE	100.00	50.00
Section 12	DOG OR CAT IN PROHIBITED AREA	100.00	50.00
Section 13	FAILURE TO REMOVE DOG OR CAT EXCREMENTS FROM PUBLIC OR PRIVATE PROPERTY	100.00	50.00
Section 14	ALLOW ANIMAL FECES TO ACCUMULATE ON PRIVATE PROPERTY	100.00	50.00
Section 15	FAILURE TO CLEAN, ALTER, DEMOLISH OR RELOCATE DOG AND/OR CAT RUN	100.00	50.00
Section 16	(a) BITING PERSON OR ANIMAL	300.00	100.00
	(b) INJURING A PERSON OR ANIMAL	300.00	100.00
	(c) CAUSING DAMAGE	300.00	100.00
Section 17	(a) UNTIE OR FREE ANIMAL	300.00	100.00
	(b) WILFULLY OPEN CAGE OR DOOR	300.00	100.00
	(c) TEASE OR THROW THINGS AT CONFINED ANIMAL	300.00	100.00
Section 18	INTERFERENCE WITH ENFORCEMENT	300.00	100.00

SECOND OFFENCE:

All penalties and voluntary payments shall double for any person receiving a second Notice of Violation within thirty days of the first offence.

 Mayor

 Administrator

SEAL