

RESORT VILLAGE OF COCHIN

BYLAW NO 04-2022

A BYLAW OF THE RESORT VILLAGE OF COCHIN IN THE PROVINCE OF SASKATCHEWAN TO LICENSE, REGULATE, CONTROL AND PROHIBIT THE OWNERSHIP AND POSSESSION OF CERTAIN ANIMALS

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

SHORT TITLE

1. This bylaw may be cited as “The Animal Control Bylaw”.

DEFINITIONS

2. IN THIS BYLAW:

“**Animal**” means dogs.

“**Bylaw Enforcement Officer**” is any corporation, person or persons engaged by or appointed by the Municipality for the purposes of checking for licenses, capturing and impounding animals under the provisions of this bylaw.

“**At large**” means if the animal is off the premises of its owner, unless the animal is both on a leash not exceeding two metres in length and is under proper control.

“**CAO**” is the person appointed as the Chief Administrative Officer for the Municipality or his/her duly authorized representative or designate.

“**Dog Run**” shall mean a permanent structure outside of a residential dwelling unit, used for the containment of a dog.

“**Judge**” shall mean a provincial court judge or a justice of the peace.

“**Municipality**” means the corporation of the Resort Village of Cochin and the area contained within the boundaries of the Resort Village of Cochin as the context requires.

“**Owner**” includes:

A person who owns or who has possession of, or control over, an animal; and the person responsible for the custody of a minor, where the minor is the owner of the animal.

“**Poundkeeper**” means a person, corporation, society or organization as may from time to time be appointed by the municipality for the purpose of retaining impounded animals pursuant to this Bylaw.

“**Public Playground**” means the area containing playground equipment in any park or Municipal Reserve owned by the municipality or under the management and control of the municipality

“**Battlefords Humane Society**” means the Battlefords Society for the Prevention of Cruelty of Animals.

3. DOGS BARKING OR HOWLING

3.1. No person who owns or keeps a dog or allows it to stay in the owner’s premises shall allow such dog to bark excessively or howl excessively;

3.2. Any person who allows a dog to bark or howl excessively shall be deemed guilty of an infraction of this bylaw;

3.3. Any person who hears a dog barking or howling excessively and can positively identify the animal, can file a written complaint at the municipality office. ‘Written complaints must include information as set out in Form 1 attached to this bylaw;

3.4. The municipality may issue a written order if there is anything in the physical environment that the dog is being kept in that can be remedied that would prevent said dog from barking or howling;

3.5. The municipality may apply to a judge to have a dog that barks or howls excessively muzzled, fitted with a collar or device that deters barking or permanently removed from the municipality at the owner’s expense; and,

3.6. The municipality may issue a written infraction notice, in the appropriate municipal form, under this Bylaw.

4. RUNNING AT LARGE AND PROHIBITED AREAS

4.1. No animal shall run at large in the municipality;

4.2. If an animal is found to be running at large the owner shall be deemed to have permitted the 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 reasonable to prevent the animal from being at large;

4.3. Any person who sees an animal running at large, and can positively identify the animal, can file a written complaint at the Municipality Office. Written complaints must include information as set out in Form 1 attached to this bylaw;

4.4. The Bylaw Enforcement Officer or any other person designated by the municipality will attempt to capture any animals found running at large and place them in the Municipal pound; and,

4.5. Any animal found running at large that attacks or bites a person shall be dealt with under the Dangerous Dogs Act, at the owner’s expense and;

4.5.1 Permanently removed from the municipality.

5. DANGEROUS ANIMALS

5.1. Control of dangerous dogs in Saskatchewan is governed by provincial legislation and all owners must comply with this statute or any orders under this statute.

6. OWNING and HARBOURING OF DOGS

6.1. Where an owner possesses a dog that displays outward signs of aggression such as threatening, barking, growling, snapping, lunging, frothing at the mouth, etc., such owner shall ensure that the dog is properly restrained or contained whether it is on or off its own property; and;

6.2. Where a dog displays aggressive behavior as described in subsection 6.1, the owner shall ensure that proper precautions have been taken to prevent the dog from escaping its harboured property and that children of tender age cannot gain access to the property or the dog;

6.3. Where a municipality believes an owner has not taken the necessary precautions to contain an aggressive dog as required in subsection 6.2., the municipality may issue a written order requiring the owner of the property to remedy any lack of physical containment as identified by the municipality;

6.4. An order written under subsection 6.3. is not limited to the following but may contain any or all of the following requirements:

6.4.1 Repair or construction of a property line fence;

6.4.2 Repair or construction of a dog run;

6.4.3 Physically moving the dog run or containment area of the dog from one area of the property to a more suitable area on the property;

6.4.4 Locking of perimeter fences or dog runs; and/or

6.4.5 Posting warning signs on the perimeter of the property advising the public the public of the presence of a dog of an aggressive nature

7. LITTER CLEAN UP

7.1 If an animal defecates on any public or private property other than property belonging to the owner of the pet, the owner of the animal shall remove the defecation immediately;

7.2 Any person who owns, possesses, or harbours an animal and fails to remove the defecation as set out in Subsection 10.1 shall be deemed guilty of an infraction of this bylaw.

8. ACCUMULATION OF ANIMAL FECES

8.1. An owner or occupant of private property must not allow feces to accumulate on the property so as to create a health hazard;

8.2. Any person who owns, possess or harbours an animal and fails to clean up as set in Subsection 8.1 shall be deemed guilty of an infraction of this bylaw;

8.3. The Bylaw Enforcement Officer may serve an owner or occupant of private property with a written order to remove all animal feces from the property within seventy-two (72) hours of service of notice;

8.4. The municipality may remove the feces from the property at the cost of the property owner's if:
8.4.1 The person to whom the notice is made fails to remove the feces within seventy-two (72) hours; or,
8.4.2 After reasonable inquiry, the whereabouts of the owner or occupant of the property cannot be determined.

9. ORDERS TO REMEDY CONTRAVENTIONS

9.1. Inspections to determine if a written order should be issued under this Bylaw shall be carried out in accordance with the Municipalities Act;

9.2. Orders given under this Bylaw shall comply with *the Municipalities Act*;

9.3. Orders given under this Bylaw shall be served in accordance with *the Municipalities Act*;

9.4. A person may appeal an order given under this Bylaw in accordance with the procedure set forth in *the Municipalities Act*;

9.5. The municipality may, in accordance with *the Municipalities Act*, take whatever actions or measures necessary to ensure that an order given under this Bylaw is fully complied with;

9.6. In an emergency, the municipality may take whatever actions or measures are necessary to eliminate the emergency in accordance with *the Municipalities Act*;

9.7. Any unpaid expenses and costs incurred by the municipality that an order given under this Bylaw is fully complied with may be recovered either:

9.7.1 By civil action for debt in a court of competent jurisdiction in accordance with the Municipalities Act; or,

9.7.2 Expenses incurred to remediate will be invoiced & if not paid in a timely manner will be added to owner's property taxes.

10. POUND/POUND FEES

10.1 The Bylaw Enforcement Officer may take any animal found running at large, contrary to the provisions of the bylaw, to the municipal pound where it shall be kept for Seventy-two (72) hours unless the owner, possessor, or harbourer redeems the animal by paying to the Municipality:

10.1.1 The applicable pound fee as set out in Schedule "C" for the care and keep of each animal; and,

10.1.2 All related fines assessed against the animal; and

10.1.3 In the case of a dog over the age of six months being impounded, a dog license fee if one has not yet been purchased;

10.2 The municipality may, in its sole discretion, find a suitable home for, or turn over to the Battlefords Humane Society any animal which has not been redeemed within seventy-two (72) hours. The Municipality may turn an animal over to the Battlefords Humane Society before this period expires if it is determined that the municipality cannot sufficiently provide for the animal's well-being or security.

11. VIOLATIONS

11.1 Except as otherwise provided in this bylaw, every person who contravenes any of the provisions of this bylaw is guilty of an offense and liable on summary conviction:

11.1.1 In the case of an individual, to a fine of not less than the mandatory minimum fine prescribed in Schedule A and not more than \$2,000; and

11.1.2 In the case of a corporation, to a fine of not less than the mandatory minimum fine prescribed in Schedule A and not more than \$5,000.

11.2 Notwithstanding Subsection (1), if no Notice of Violation has been issued for a period of three years or more in relation to a contravention, then a subsequent contravention of the section of the bylaw is deemed to be a first offence;

11.3 At the discretion of the Bylaw Enforcement Officer, a warning ticket may be issued for contravention of any of the provisions of this bylaw.

11.4 A violator of this bylaw upon being served with the municipality's standard Notice of Violation may, during office hours, voluntarily pay the penalty at the office of the municipality.

11.5 Voluntary payment of a penalty within fourteen (14) days of the issuance of a Notice of Violation will be reduced by 50%.

12. SEVERABILITY

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.

13. REPEAL

Bylaw #04/12 is hereby repealed

14. COMING TO FORCE

This bylaw shall come into force upon the date of approval of Municipal council.

MAYOR

ADMINISTRATOR

Read a first time
this ____ day of July, 2022

Read a third time and adopted
This ____ day of August, 2022

Read a second time
this ____ day of July, 2022

Landon Chambers, Administrator

SCHEDULE "A"
MINIMUM FINES PURSUANT TO SECTION 13

<u>DESCRIPTION OF OFFENCE</u>	<u>1ST</u> <u>OFFENCE</u>	<u>2ND</u> <u>OFFENCE</u>	<u>SUBSEQUENT</u>
(a) Excessive Barking or Howling (Section 4)	\$100	\$500	\$500
(b) Running at Large (Section 5)	\$100	\$500	\$500
(c) Neglects or Refuses to Clean Up Defecation (Sections 11 & 12)	\$100	\$500	\$500