

# VILLAGE OF PERDUE

## BYLAW # 2010-04

### A BYLAW TO CONTROL ANIMALS IN THE VILLAGE OF PERDUE

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

1. **This Bylaw shall be known as the "Animal Control Bylaw".**

#### 2. DEFINITIONS

In this Bylaw the following definitions apply:

- a. Animal Control Agency or Animal Control Officer – means the Animal Control Agency/Officer appointed by the Village of Perdue.
- b. Bylaw Enforcement Officer - means the person or persons appointed or contracted by the council of the Village of Perdue for the purpose of enforcing the provision of this bylaw.
- c. Cat - means a male or female cat or a male or female kitten over (8) weeks of age.
- d. Clerk - means the administrator of the Village of Perdue.
- e. Council - means the council of the Village of Perdue.
- f. Court – means the Provincial Court of Saskatchewan established pursuant to The Provincial Court Act.
- g. Dog - means a male or female dog or a male or female puppy over eight (8) weeks of age.
- 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) any animal with 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) any animal that, without provocation has bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal;
  - iv) Any animal which is owned primarily or in part for the purpose of animal fighting or is trained for fighting.
- i. Judge – means a judge of the Provincial Court of Saskatchewan or a justice of the peace.
- j. Municipality or Village – means the Village of Perdue.
- k. Owner – includes:
  - i) a person, persons, partnership, association or corporation who keeps, possesses, harbors or has care of or control of a dog or cat;
  - ii) The person responsible for the custody of a minor where the minor is the owner of a dog or cat.

- l. Person - means and includes an individual(s), partnership, association or corporation.
- m. Pound - means such premises and facilities as may be designated by the Council of the Village of Perdue for the purpose of safely lodging and securing animals seized pursuant to this bylaw.
- n. Poundkeeper - means a person designated by the Village of Perdue from time to time to maintain and administer the pound.
- o. Provocation – means an act done intentionally for the purpose of provoking an animal to which this Bylaw applies.
- p. Restricted Dog – means any dog, whatever its age of the following breeds or kinds:
  - i) pit bull terrier, American pit bull terrier, pit bull, Staffordshire bull terrier, bull terrier, American Staffordshire terrier, Doberman Pinscher, Rottweiler, German Shepherd, Rhodesian Ridgeback, wolf hound, wolf cross, coyote cross, bulldog, bull terrier, boxer, akita, chow, husky, bull mastiff or any dog of mixed breeding which includes any of the aforementioned breeds which can be identified through its physical characteristics by a Veterinarian licensed to practice in Saskatchewan; or, a dog declared dangerous under Division 5 of The Municipalities Act, S.S. 2005, c. M-36.1.
  - ii) Any dog that has been trained as a guard dog where such training involves physical attack on an intruder when such animal is not engaged in guarding a business premise or residence.
- q. Running at Large - means when the dog or cat is beyond the boundaries of the land occupied by the owner, possessor or harbinger or keeper of the said dog or cat, or beyond the boundaries of any lands where it may be with the permission of the owner or occupant of the said land and is not under control by being:
  - i) on a leash or harness and in direct and continuous charge of a person competent to control it; or
  - ii) securely confined within an enclosure; or
  - iii) Securely fastened so that it cannot roam at will.
- r. Working Guide Dog - means any dog whose primary purpose is to guide and provide assistance to individuals who are visually or physically impaired and who have successfully completed a recognized training program for use as a service dog.

### 3. REGISTERING

- a. Every owner of a dog or cat within the Village shall cause each such animal to be registered with the Village office. At the time of registering, the applicant shall complete an Application for Registration of a Dog or Cat as set in Appendix “E”, and provide the Village office with a physical description of the animal, the breed of the animal, a rabies certificate valid for the registration year, and the name, address and telephone number of the owner of the animal.
- b. The registration year for dogs and cats shall be from the first day of January to the thirty-first day of December of the same year.
- c. Every owner of a dog and cat shall no later than February fifteenth in each year register the said dog or cat at the town office and failure to do so shall constitute an offence under this bylaw.

- d. In addition to the registration requirements laid down in Section 3(a) (b) (c), the owner of a non-restricted dog, a restricted dog or a cat shall pay an annual registration fee as set out in Schedule "A" attached hereto and which may be amended from time to time by resolution of council.
- e. The sum payable for a registration fee required after the thirty-first day of July in a calendar year shall be calculated at a prorated amount of months left in the calendar year and shall expire on the thirty-first day of December in the same calendar year.
- f. Any dog or cat registration certificate or applicable fee issued pursuant to the provisions of this bylaw by the Village shall not be transferable to any other dog or cat.
- g. Notwithstanding Section 3(d), a restricted dog, which has been professionally trained as a Working Guide Dog as defined in Section 2(r) shall be subject to an annual registration fee as set out in Schedule "A" attached hereto and which may be amended from time to time by resolution of council.
- h. The provisions of this section shall not apply to the dogs and cats kept, in the ordinary course of business by the proprietors of the following premises:
  - i) a veterinary hospital, clinic, boarding kennel or grooming parlor;
  - ii) a public pound;
  - iii) a shop whose business includes the sale of pets;
  - iv) A shelter operated by an association or society incorporated for the purpose of the protection and humane treatment of animals.
- i. A person residing in the Village who owns, possesses, keeps or harbors a dog or cat and neglects or refuses to register or pay any applicable registration fee shall be subject to the penalties as outlined in Schedule "C" of this bylaw.
- j. The owner shall be supplied with a current registration tag and a receipt for payment of the registration fee when the dog or cat is registered. The registration tag must be renewed each year. The owner will be issued a replacement registration tag if the current registration tag is lost or destroyed and the owner shall be responsible for the replacement cost, as set out in Schedule "C".
- k. The owner of a cat or dog shall ensure that the cat or dog wears a collar to which is attached a valid license tag whenever the cat or dog is off the premises of the owner.
- l. This Section shall not apply while a cat or dog is participating in a recognized cat or dog show, obedience trial or field trial, or where an electronic identification microchip has been implanted in the animal and the identification information related to the microchip has been provided to the Village.
- m. Any dog or cat registered in the Village of Perdue prior to this bylaw coming into effect shall not be required to re-register the animal until the next calendar year, commencing January 1, 2011. Any animal within the Village of Perdue not registered with the Village of Perdue prior to this bylaw coming into effect will be required to register the dog or cat within 60 days of this bylaw coming into effect and failure to do so shall constitute an offence under this bylaw.
- n. No person shall:
  - i) Untie, loosen or otherwise free a dog or cat which has been tied or restrained; or

- ii) Negligently or wilfully open a gate, door or other opening in a fence or enclosure in which a dog or cat has been confined and thereby allow a dog or cat to run at large in the Village of Perdue;
- iii) Tease, entice, bait or throw objects at a dog or cat confined within its owner's property.

#### **4. RUNNING AT LARGE**

- a. The owner of a dog or cat shall not at any time allow the dog or cat to run at large within the Village, except in designated area.
- b. When a dog or cat is found to be running at large, its owner is deemed to have failed or refused to comply with the provisions of this section.
- c. Where a dog or cat is found to be running at large, the owner or occupant of that property on which the dog or cat is running at large may make a written complaint to the Bylaw Enforcement Officer.

#### **5. SEIZURE AND IMPOUNDING**

- a. A Bylaw Enforcement Officer or Peace Officer may seize and impound any dog or cat observed to be at large or creating a nuisance.
- b. A Bylaw Enforcement Officer or Peace Officer may enter onto land surrounding any building in pursuit of any dog or cat, which has been observed to be at large or creating a nuisance.
- c. The Bylaw Enforcement Officer is hereby authorized to seize and capture, by the use of a tranquilizer gun or other methods authorized by resolution of Council and impound any dog or cat running at large or creating a nuisance contrary to the provisions of this bylaw.
- d. Any person may take any dog or cat found running at large or creating a nuisance contrary to the provisions of this bylaw to the Village pound.
- e. No person, whether or not he is the owner of a dog or cat which is being or has been pursued or seized shall:
  - i) interfere with or attempt to obstruct a Bylaw Enforcement Officer who is attempting to seize or has seized any dog or cat in accordance with the provisions of this bylaw;
  - ii) unlock or unlatch or otherwise open the vehicle in which dogs or cats seized under this bylaw have been placed so as to allow or attempt to allow any dog or cat to escape therefrom.
  - iii) remove or attempt to remove any dog or cat from the possession of the Bylaw Enforcement Officer.
- f. In the event that the animal in question can not be caught by the Animal Control Officer, he is authorized to take a photograph of the animal and, upon establishing the owner of the animal, a fine will be levied against the owner. The same fine structure will apply to picture fines as other fines.
- g. Upon receipt of a completed and signed complaint, the Village Administrator shall notify the owner, possessor or harbourer by registered mail that a complaint has been received and that, in the event of failure to pay the appropriate voluntary fine relevant to the infraction within seven (7) days of the receipt of the notice, the Village Administrator shall take the steps necessary to prosecute the owner, possessor or harbourer. The complaint shall be in the form attached hereto and marked as Appendix "E" and forming part of this bylaw.

## 6. POUND

- a. The council shall endeavor to appoint a poundkeeper.
- b. All dogs and cats impounded in the pound shall be so confined therein for a period of 72 hours from the time of capture during which time the owner thereof shall have the right to repossess the said dog or cat upon paying to the village office the amount set forth in Schedule "B" to this bylaw as amended from time to time by resolution of council.
- c. No dog or cat, which is impounded, shall be released to its owner or to any other person until the appropriate pound fee is paid until it has been registered.
- d. When a dog or cat has been impounded, the Village office shall immediately attempt to contact the owner as shown in the records made when the animal was registered at the address shown therein, that unless the said animal is claimed and the fees as provided for in this bylaw are paid within 72 hours from the date of the impounding the said animal shall be dealt with pursuant to the provisions of the bylaw.
- e. All impounded dogs or cats which are not claimed within 72 hours as aforesaid, may be sold by the Village office to any person paying for such dog or cat, a sum equal to any amount owing to the Village due to applicable fines, registration or impound fees and, for the cost of registering as provided for by this bylaw. In the event any dog or cat is not sold after expiration of the said 72 hours, it shall be disposed of in the most humane way possible.
- f. It shall be the duty of the poundkeeper to provide each dog or cat impounded under the authority of this bylaw an adequate supply of food and fresh water during its confinement in the pound.
- g. Any dog or cat found in any public street, lane, park, boulevard or other public place or otherwise running at large contrary to the provisions of this bylaw, the Bylaw Enforcement Officer or Peace Officer may seize and impound by the use of a tranquilizer gun or other methods authorized by Council.

## 7. LITTER - DOGS AND CATS

- a. If a dog or cat defecates on any public or private property other than the property of the owner, possessor or harbored of the said dog or cat, the owner, possessor or harbored of the dog or cat shall cause such defecation to be removed immediately and disposed of in a sanitary fashion. Failure to cause such removal shall be an infraction of this bylaw.
- b. Defecation's deposited on the private property of the owner, possessor or harbored of a dog or cat shall be removed and disposed of in a sanitary manner.
- c. An Animal Protection Officer or Bylaw Enforcement 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.
- d. If a notice under Section 7(c) is not served personally on an owner or occupant of private property, then a copy of the notice shall be sent by registered mail to the owner of the property at the mailing address shown on the last revised assessment roll of the town.
- e. A notice served by registered mail is deemed to have been received on the fifth day following the date of its mailing.

- f. The Village may remove the feces from the property if:
  - a. The person to whom the request is made fails to remove the feces within 72 hours; or
  - b. After reasonable inquiry, the whereabouts of the owner or occupant of the property cannot be determined.
- g. If the Village carries out the work under Section 7(f), the costs and expenses incurred are a debt due to the Village and the Village may recover the costs and expenses:
  - i) by action in a court of competent jurisdiction;
  - ii) in the same manner as municipal taxes; or
  - iii) by adding the costs and expenses to and thereby they form part of, the taxes on the land on which the work was done.

## **8. NUISANCE**

- a. The owner, possessor or harborer of a dog or cat shall not allow the animal to create a nuisance to any person by excessive barking, howling, hissing, or otherwise making disruptive noises; attempting to bite or biting anyone or any domestic animal, chasing vehicles or bicycles; causing damage to any property; urinating, defecating or spraying on or otherwise damaging or interfering with any property other than the property of the owner, possessor, or harborer; and any owner, possessor or harborer who contravenes this section commits an offence under this bylaw.
- b. Any owner of a dog or cat who fails to immediately restrain and remove the animal upon it becoming a nuisance is guilty of an offence, and in such event, an Animal Protection Officer, Poundkeeper or Bylaw Enforcement Officer may seize and impound the animal.

## **9. RABIES AND OTHER DISEASES**

- a. Any dog or cat suspected of having rabies shall not be killed but shall be secured and isolated for seven (7) days and the matter immediately reported to a veterinary clinic whose instructions shall be complied with.
- b. An owner possessor or harborer of a dog or cat who neglects or refuses to comply with any order of the veterinary clinic shall be guilty of an infraction of this bylaw.

## **10. DANGEROUS ANIMAL**

- a. Dangerous Animals are defined at Section 2(h).
- b. Exemption for Guard Dogs
  - i) No dog shall be considered dangerous where an action described in Section 2(h) occurred while the dog was:
    - (A) acting in the performance of police work; or
    - (B) working as a guard dog on commercial or residential property;
    - (C) securely enclosed on property by a fence or other barrier sufficient to prevent the escape of the dog and the entry of children of tender years; and
    - (D) defending that property against a person who was committing an offence.

c. Dangerous Animal Hearings

- i) If a complaint is made that an animal is dangerous, a judge shall hold a hearing to determine if, based upon the evidence adduced at the hearing, the animal is, in fact, dangerous.
- ii) Notice of the hearing referred to in Section 10(c)(i) 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:
    - (1) by delivering it personally to the owner; or
    - (2) 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; or
    - (3) by sending it by 'Registered Mail' to address registered on the tax roll or utility.
  - (B) in the case of an owner that is a corporation:
    - (1) by sending it by 'Registered Mail' to the registered office of the corporation; or
    - (2) 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.
- iii) 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 judge 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.
- iv) If the judge is satisfied, on the evidence, that the animal is dangerous, the judge shall make an order embodying all of the following terms:
  - (A) if the owner removes the animal from the owner's property, the owner shall muzzle and leash it in accordance with the criteria prescribed in Section 15 and keep it under direct control and supervision;
  - (B) the owner shall inoculate the animal against rabies in accordance with the provisions of Section 16;
  - (C) the owner shall report the sale or other disposition of the animal to a designated officer appointed pursuant to Section 21;
  - (D) where the animal is moved to a different Town or municipality, the owner shall notify the clerk of that Town or municipality;
  - (E) where the animal is to be sold or given away, the owner shall:
    - (1) notify any prospective owner that the animal has been declared dangerous, before it is sold or given away; and
    - (2) notify a designated officer appointed pursuant to Section 21 of the name, address and telephone number of any new owner of the animal;

(F) if the animal is not registered, the owner shall, at the owner's expense and within ten days of the date of the order, purchase the requisite registration for the animal;

v) An order pursuant to Section 10(c)(iv) may also include any or all of the following terms:

(A) the owner shall keep the animal in an enclosure which complies with the criteria prescribed in Section 17;

(B) within 10 days of the date of the order, the owner shall obtain and keep in effect liability insurance in an amount of not less than \$500,000.00 for any bodily injury to or death of any person or domestic animal, or for damage to property, caused by the animal and provide copy to the Village office;

(C) the owner shall display a sign, which complies with the criteria prescribed in Section 19, on the owner's property warning of the presence of the animal and shall continue to display that sign in good condition so long as the animal is present on the property;

(D) the owner shall have the animal spayed or neutered;

(E) the owner shall take such other measures as the judge considers appropriate.

vi) Notwithstanding Section 10(c)(iv), a judge may in the alternative, order 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.

vii) Where an order has been made pursuant to Section 10(c)(v) against the owner, the owner may apply to the judge who made the order for an order that compliance with the provisions of Section 10(c)(v)(B) be waived.

viii) On an application pursuant to Section 10(c)(vii), the judge may waive compliance with Section 10(c)(v)(B), on any terms and conditions that the judge considers reasonable, where the judge is satisfied that the owner is unable to comply with the requirements of that clause for a reason other than the owner's financial circumstances.

ix) A person desiring to appeal an order pursuant to this Section shall, within seven days of the order being appealed from, file a notice of appeal with Her Majesty's Court of Queen's Bench, and the provisions of Part XXVII of the Criminal Code apply with any necessary modification.

#### d. Offences and Penalties

(i) Any person who owns a dog for the purpose of dog fighting, or trains, torments, badgers, baits, or otherwise uses a dog for the purpose of causing or encouraging the dog to make unprovoked attacks on persons or domestic animals is guilty of an offence.

(ii) Any person who displays a prescribed sign warning of the presence of a dangerous animal and who is not acting in accordance with an order made pursuant to Section 10(c)(v) or has not received the permission of the Village to display the sign is guilty of an offence.

(iii) Any person who does not comply with any part of an order made against him or her pursuant to Section 10(c)(iv), (v), or (vi), is guilty of an offence.



- (iv) Any person who owns an animal that, without provocation, attacks, assaults, wounds, bites, injures or kills a person or domestic animal, is guilty of an offence.
  - (v) A person who is guilty of an offence pursuant to this Section is liable on summary conviction:
    - (A) in the case of an individual, to a fine not exceeding \$10,000.00, or imprisonment for not more than six months, or both;
    - (B) in the case of a corporation, to a fine not exceeding \$25,000.00, or imprisonment of the directors of the corporation for not more than one year, or both.
  - (vi) In addition to imposing the penalty under Section 10(c)(v), the convicting judge shall make an order embodying the requirements of Section 10(c)(iv).
  - (vii) An order pursuant to Section 10(c)(vi) may also include the requirements of Section 10(c)(v).
  - (viii) Notwithstanding Section 10c)(vi), the judge may, in the alternative, order 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.
  - (ix) A person desiring to appeal an order or conviction pursuant to this Section shall, within seven days of the order or conviction being appealed from, file a notice of Appeal with the Court, and the provisions of Part XXVII of the Criminal Code apply with any necessary modification.
- e. Order Binds Subsequent Owner
- (i) An order issued pursuant to Section 10(c) or (d) continues to apply if the animal is sold or given to a new owner or is moved to a different municipality.
- f. Execution of Destruction Order
- (i) Unless the owner otherwise agrees, every order for destruction of an animal shall state that it shall not be implemented for eight days.
  - (ii) 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.
  - (iii) 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.
- g. Return of Animal
- (iv) Where the judge on appeal overturns the order for destruction of the animal, the animal shall be released to the owner after the owner has paid the costs of impoundment of the animal pending the hearing.

## 11. RESTRICTED DOG

- a. Requirements for obtaining and maintaining a Registration for a restricted dog are as follows:
  - i) An owner of a Restricted Dog shall maintain in force a policy of liability insurance providing third party liability coverage in a minimum amount of \$500,000.00 for injuries caused by the owner's restricted dog. The

owner shall provide a photocopy of the said liability insurance policy to the village office when applying for a restricted dog registration. The liability policy shall contain a provision requiring the insurer to immediately notify the Village in writing in the event the policy expires, is cancelled or is terminated. Upon cancellation, expiry or termination of the liability insurance policy, the restricted or dangerous dog license is null or void;

- ii) At all times while a restricted dog is on the premises of its owner, the owner shall either keep such dog confined indoors under the effective control of a person over the age of eighteen (18) years, or confined in an enclosure which complies with the criteria prescribed in Section 17;
- iii) When any restricted dog is off the premises of the owner, the owner shall muzzle and leash it in accordance with the criteria prescribed in Section 15 and keep it under direct control and supervision;
- iv) The owner shall display a sign, which complies with the criteria prescribed in Section 18, on the owner's property warning of the presence of the animal and shall continue to display that sign in good condition so long as the animal is present on the property;
- v) The owner shall inoculate the animal against rabies in accordance with the provisions of Section 16;
- vi) If the animal is not registered, the owner shall, at the owner's expense and within ten days of acquiring the restricted dog, purchase the requisite registration for the animal;

## 12. DESTRUCTION BY PEACE OFFICERS

- a. A peace officer as defined by the Criminal Code may destroy any animal that the officer find injuring or viciously attacking a person or domestic animal.
- b. Where the officer acted in good faith, a peace officer who destroys an animal pursuant to subsection a. is not liable to the owner for the value of the animal.

## 13. ENTRY AND SEARCH

- a. If a peace officer as defined by the Criminal Code or a designated officer has reasonable grounds to believe that an animal that is dangerous or has been ordered to be destroyed or otherwise disposed of is in or on any premises, the peace officer or designated officer may enter the premises and search for and impound the animal in accordance with Section 378(1) of The Municipalities Act, and as amended from time to time by the Act:

378(1) A peace officer or a designated officer who has reasonable grounds for believing that an animal is dangerous or has been ordered to be destroyed or otherwise disposed of and is in or on any premises other than a private dwelling may, with or without a warrant:

- (a) enter the premises;
  - (b) search for the animal; and
  - (c) either impound the animal or, if there is an order to destroy or otherwise dispose of the animal, deliver the animal to the person appointed in the order to destroy or otherwise dispose of it.
- (2) notwithstanding subsection (1), a peace officer or designated officer shall not enter any place that is a private dwelling without:
- (a) the consent of the owner or occupant of the private dwelling; or
  - (b) a warrant issued pursuant to subsection (3) authorizing the entry.

(3) if it appears to a justice of the peace or provincial court judge that, based on evidence presented by a peace officer or designated officer under oath, there are reasonable grounds to believe that an animal that is dangerous or has been ordered to be destroyed or otherwise disposed of is in a private dwelling, the justice of the peace or provincial court judge may issue a warrant authorizing a peace officer or designated officer to enter the private dwelling specified in the warrant and search for the animal.

(4) On issuance of a warrant pursuant to subsection (3), the peace officer or designated officer may:

- (a) enter the private dwelling;
- (b) search for the animal; and
- (c) either impound the animal or, if there is an order to destroy or otherwise dispose of the animal, deliver the animal to the person appointed in the order to destroy or otherwise dispose of it.

#### **14. CHARGES MAY BE ADDED TO PROPERTY TAXES**

- a. If a person owes the Village for costs incurred by the Village with respect to a restricted animal or dangerous animal, the Village may add the amount owing to the tax roll of any parcel of land for which the person is the assessed person.
- b. If an amount is added to the tax roll of a parcel of land pursuant to Section 14(a), the amount:
  - (i) is deemed for all purposes to be a tax imposed pursuant to section 369 of The Municipalities Act from the date it was added to the tax roll; and
  - (ii) forms a lien against the parcel of land in favour of the Village from the date it was added to the tax roll.

#### **15. CRITERIA FOR MUZZLE AND LEASH FOR RESTRICTED ANIMALS AND DANGEROUS ANIMALS**

- a. Where a restricted animal or an animal that has been declared dangerous pursuant to Section 10(c) is removed from the owner's property, the animal shall be equipped with a muzzle and be secured by a leash in accordance with the following criteria:
  - (i) the animal shall be fitted with a collar or harness for the body that is properly placed and fitted on the animal;
  - (ii) the movement of the animal shall be controlled by a person by means of a leash attached to the collar or harness of the animal;
  - (iii) the leash shall not exceed 1.2 metres in length and shall be constructed of a material having a tensile strength of at least 40 kilograms;
  - (iv) the muzzle on the animal shall be properly fitted on the animal to prevent it from biting any animal or person;
  - (v) the muzzle shall be fitted on the animal in a manner that it will not interfere with the vision or respiration of the animal.

#### **16. INOCULATION OF RESTRICTED AND DANGEROUS ANIMALS**

- a. Where an animal is a restricted animal or has been declared to be dangerous pursuant to Section 10(c), the owner of the animal shall, at the owner's

expense and within ten days of registering the animal, have the animal inoculated against rabies by a veterinarian and provide proof to a designated officer that the dog has been inoculated within 10 days.

- b. Where the owner of an animal provides proof that the animal has been inoculated against rabies during the period of 12 months prior to the date of the order, the owner is not required to comply with Section 16(a) until the expiration of 12 months from the date of inoculations of the animal.

## **17. ENCLOSURES FOR RESTRICTED ANIMALS AND DANGEROUS ANIMALS**

- a. If the animal is a restricted animal or if a judge orders pursuant to Section 10(c) (v)(A) that an animal be kept in an enclosure, the enclosure must comply with the following criteria:
  - (i) the enclosure shall be constructed of wood or any other building material of sufficient strength and in a manner adequate to:
    - (ii) confine the animal; and
    - (iii) prevent the entry of children of tender years;
    - (iv) 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;
- b. The enclosure shall be at least 3 metres in length, 1.5 metres in width and 1.8 metres in height;
- c. The enclosure shall have a top secured to the sides of the enclosure;
- d. 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 .6 metres;
- e. 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.

## **18. SIGNS FOR RESTRICTED AND/OR DANGEROUS ANIMALS**

- a. Where an animal is a restricted animal or has been declared dangerous pursuant to Section 10(c), the owner of the animal shall, within ten days of registering animal, display a sign on his or her premises warning of the presence of the animal in the form illustrated in Appendix "B".
- b. A sign required by Section 18(a) shall be placed at each entrance to the premises where the animal is kept and on the enclosure in which the animal is confined.
- c. A sign required by Section 18(a) shall be clearly visible and capable of being read from any adjacent public road.

## **19. QUARANTINE OF ANIMALS**

- a. Where an animal has bitten a person or domestic animal, the owner of the animal shall, unless the animals is ordered destroyed, quarantine the animal for observation for symptoms of rabies for a period of not less than ten days in accordance with the Animal Disease and Protection Act (Canada).

## **20. RABIES TEST OF ANIMALS**

- a. Every person who destroys an animal following the non-fatal biting of a person or domestic animal, whether the destruction is pursuant to an order of a judge or court or at the decision of the owner of the animal, shall, if the destruction is carried out before the completion of the quarantine period mentioned in Section 19, retain the head of the animal in a manner usable for testing the animal for rabies.
- b. Where a person destroys an animal in the circumstances described in Section 20(a), the person shall immediately notify a veterinarian or a peace officer that he or she is in possession of the head of an animal to be tested for rabies.

## **21. APPOINTMENT OF DESIGNATED OFFICERS**

- a. The Bylaw Enforcement Officer, Pound Keeper and/or the Animal Control Officer shall be designated officers for the purposes of this Bylaw.
- b. The Bylaws Enforcement Officer, Pound Keeper and the Animal Control Officer are authorized to delegate enforcement of this Bylaw to their employees.

## **22. OWNING AND HARBORING EXOTIC AND WILD ANIMALS**

- a. No person shall own or harbor any animal, or hybrid of any animal, of the kind listed in Appendix "C" for any purpose.
- b. No person, partnership or corporation, whether operated separately or in connection with another business enterprise, shall operate a pet store that buys, sells, trades, exhibits or harbors any animal or hybrid of any animal of the kind listed in Appendix "C".

## **23. GENERAL PENALTY**

- a. A person who contravenes any provision of this bylaw or neglects or refuses to comply therewith shall be guilty of an offence and liable upon summary conviction to a fine of not less than \$50.00 and:
  - (i) in the case of an individual, to a fine not exceeding \$10,000.00, or imprisonment for not more than six months or both;
  - (ii) in the case of a corporation, to a fine not exceeding \$25,000.00, or imprisonment of the directors of the corporation for not more than one year, or both.

## **24. LIVESTOCK AND POULTRY**

- a. For purposes of this section, the following definitions shall apply:
  - i) livestock - means any domestic animal usually raised for sale and profit, including but not necessarily limited to:
    - (1) an animal as defined in Section 2(b) of The Stray Animal Act;
    - or
    - (2) an animal as defined in sections 2 & 3 of The Stray Animals Regulations, 1999.
  - ii) poultry - means:
    - (1) domestic fowl usually propagated and fattened for the table and for their eggs, feathers, etc., including but not limited to chickens, geese, ducks, turkeys, guinea fowl;

OR

(2) pigeons of the species Columa Livia, commonly known as the domestic pigeon and includes pigeons raised for the purpose of racing, show, table and pets and includes feral pigeons.

- b. No person shall possess, harbor, confine, herd, graze or allow grazing of any livestock or poultry within the limits of the Village.
- a. Section 25(b) shall not apply to livestock and poultry brought in to the Village for the duration of a special event at which the said livestock and poultry will be used for purposes of exhibition or performing at a special event.

**25. PENALTY**

- a. Where any person has committed or is alleged to have committed a breach of any of the provisions of this bylaw, a ticket in the form designated Appendix "A" attached to and forming part of this bylaw may be served on such person by the Bylaw Enforcement Officer of designated Village employee.
- b. A person to whom a ticket is being issued pursuant to this section shall furnish the Bylaw Enforcement Officer or designated Village employee with his/her name and address upon request.
- c. Notwithstanding Section 13, a person who contravenes any provision of this bylaw upon being served with a ticket may voluntarily pay the prescribed penalty as set forth in Schedule "C" to this bylaw as amended from time to time by resolution of Council.

d. If the Village receives voluntary payment of the prescribed penalty within seven (7) days from the date the ticket was issued, the person receiving the ticket shall not be liable for prosecution for the offence.

e. If the person who has committed or is alleged to have committed a breach of any section of this bylaw fails to pay the specified fine within the time allowed following service of the ticket, the provisions of this section no longer apply and the person shall be liable to prosecution for the offence.

**26. REPEAL**

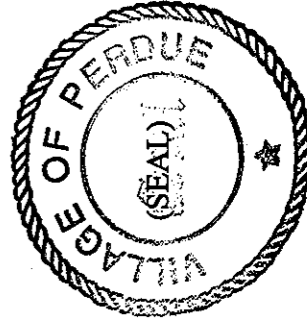
- a. Bylaw Numbers 12, 1996 and 7, 2002 are hereby repealed.

**27. SEVERABILITY**


- a. A decision of the Court that one or more of the provisions of this bylaw are invalid in whole or in part does not affect the validity, effectiveness or enforceability of the other provisions or parts thereof with respect to this bylaw.

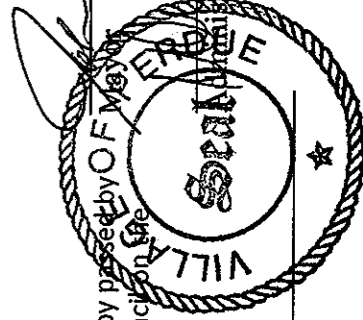
**28. EFFECTIVE DATE**

- a. This bylaw shall come into force and take effect on the date of the final reading thereof.



Certified a true copy passed by OFM on the  
Resolution of Council on the  
17<sup>th</sup> of June, 2010.

  
Administrator



**SCHEDULE "A"**

**Bylaw # 2010-04**

- Annual Registration Fee for Non-Restricted Sterilized Dogs (Section 3)  
\$10.00 per dog per year
- Annual Registration Fee for Non-Restricted Non-Sterilized Dogs (Section 3)  
\$20.00 per dog per year
- Annual Registration Fee for Non-Sterilized Restricted Dogs (Section 3)  
\$150.00 per dog per year
- Annual Registration Fee for Sterilized Restricted Dogs (Section 3)  
\$100.00 per dog per year
- Annual Registration Fee for Sterilized Cats (Section 3)  
\$10.00 per cat per year
- Annual Registration Fee for Non-Sterilized Cats (Section 3)  
\$15.00 per cat per year
- Annual Registration Fee for Working Guide Dog (Section 3)  
\$5.00 per dog per year

**SCHEDULE "B"**

**Bylaw # 2010-04**

**Section 7 Dog or Cat Pound Fees**

**Impoundment:**

- First offence  
\$25.00 plus \$10.00 per day or  
part thereof
- Subsequent offenses  
\$50.00 plus \$10.00 per day or  
part thereof
- Care and Sustenance Fee  
\$10.00 per day or a portion thereof  
commencing at 12:00 AM on the day  
immediately following the day of  
impoundment.

**SCHEDULE "C"**

**Bylaw # 2010-04**

<b>OFFENSE</b>	<b>PENALTY</b>		
	<b>1st Offense</b>	<b>2nd Offense</b>	<b>Subsequent Offenses</b>
1. Running at Large (Sec.4)	\$ 100.00	\$ 200.00	\$ 400.00
2. Unlicensed Animal (Sec. 3)	\$ 100.00	\$ 200.00	\$ 400.00
3. Animal Not Wearing License (Sec.3)	\$ 100.00	\$ 200.00	\$ 400.00
4. Dog/Cat Creating a Nuisance (Sec.9)	\$ 50.00	\$ 100.00	\$ 200.00
5. Failure to Remove Defecation (Sec.8)	\$ 50.00	\$ 100.00	\$ 200.00
6. Accumulation of Animal Feces (Sec.8)	\$ 50.00	\$ 100.00	\$ 200.00
7. Interference with Enforcement (Sec.5)	\$ 100.00	\$ 200.00	\$ 400.00
8. Untie or free an animal (Sec.3)	\$ 50.00	\$ 100.00	\$ 200.00
9. Willfully open gate or door to allow escape (Sec.3)	\$ 50.00	\$ 100.00	\$ 200.00
10. Tease, throw things at cat or dog (Sec.3)	\$ 50.00	\$ 100.00	\$ 200.00
11. Interfere or obstruct Bylaw Enforcement Officer (Sec. 5)	\$ 50.00	\$ 100.00	\$ 200.00
12. Exotic/Wild Animals (Sec.23)	\$ 50.00	\$ 100.00	\$ 200.00

Reduce penalty by 50% if paid within 7 days of issuance.

**OFFENSE - RESTRICTED DOGS**

	<b>1st Offense</b>	<b>Subsequent Offenses</b>
1. Failure to obtain and keep in force registration (Sec.3)	\$250.00	\$500.00
2. Failure to maintain a policy of liability insurance (Sec.11)	\$250.00	\$500.00
3. Failure to confine in proper enclosure when on owner possessor or harboree's premises (Sec. 11)	\$250.00	\$500.00
4. Failure to muzzle and harness or leash when off premises of owner, possessor or harboree (Sec.11)	\$250.00	\$500.00
5. Failure to prevent from running at large (Sec.12)	\$250.00	\$500.00
6. Falsifying breed of dog when registering (Sec.3)	\$500.00	\$1000.00

Reduce penalty by 50% if paid within 7 days of issuance.



Appendix "A"

Bylaw # 2010-04

# NOTICE OF VIOLATION

Village of Perdue

AVOID PROSECUTION BY PAYING PROMPTLY

NAME OF VIOLATOR		POSTAL CODE	
ADDRESS			
DATE ISSUED	Year	Month	Day
LICENSE NUMBER	EXPIRY YEAR	Time	
VEHICLE MAKE	TYPE OF BODY	COLOR	
VIOLATION <input type="checkbox"/> PARKING BYLAW NO. _____ <input type="checkbox"/> DOG BYLAW NO. _____ <input type="checkbox"/> OTHER BYLAW NO. _____			
DESCRIPTION OF VIOLATION			
LOCATION OF VIOLATION			
<input type="checkbox"/> OWNER OF DOG <input type="checkbox"/> POSSESSOR OR HARBORER OF DOG YOU ARE CHARGED WITH VIOLATION OF BYLAW NO. _____ SECTION(S) _____			
PENALTY		PAYMENT INDICATED OR	
\$	REDUCED PENALTY IF PAYMENT MADE WITHIN _____ DAYS \$ _____	OF ISSUE DATE	
	NO REDUCTION ALLOWED.	PAY WITHIN _____ DAYS OF ISSUE DATE.	
PENALTY TO BE PAID DURING REGULAR OFFICE HOURS OR BY MAIL AT THE MUNICIPAL OFFICE OF THE _____ OF _____			
THIS VIOLATION IS SUBJECT TO THE VEHICLE AND TRAFFIC CODES OF THE STATE OF MISSISSIPPI AND TO THE VEHICLE AND TRAFFIC CODES OF THE VILLAGE OF PERDUE. THIS VIOLATION IS SUBJECT TO THE PENALTY SCHEDULE SET FORTH IN THE VEHICLE AND TRAFFIC CODES OF THE VILLAGE OF PERDUE.			
ISSUER		TICKET NUMBER	
SPECIAL CONSTABLE			

**Appendix "B"**

**Bylaw # 2010-04**

**WARNING**



**DANGEROUS ANIMAL ON PREMISES**

**VILLAGE OF PERDUE BYLAW NO. 2010-04**

## Appendix “C”

### Bylaw # 2010-04

Being a list of animals the keeping of which is prohibited within the Village of Perdue:

- All Arachnids dangerous to humans (such as scorpions and tarantulas, except tarantulas of the genera Aphonopelma, Avicularia and Grammostola)
- All Artiodactylus Ungulates, except domestic goats, sheep and cattle
- All Bats
- All Canids, except the domestic dog
- All Crocodylians (such as alligators, crocodiles and caimans)
- All Edentates (such as anteaters, sloths and armadillos)
- All Elephants
- All Felids, except the domestic cat
- All Hyenas
- All Marsupials (such as kangaroos and opossums)
- All Mustelids (such as skunks, weasels, otters and badgers) except the domestic ferret
- All non-human Primates (such as gorillas and monkeys)
- All Perissodactylus Ungulates, except the domestic horse, mule and ass
- All Pinnipeds (such as seals, fur seals and walruses)
- All Procyonids (such as raccoons, coatis and cacomistles)
- All Raptors, diurnal and nocturnal (such as eagles, hawks and owls)
- All Ratite Birds (such as ostriches, rheas, and cassowaries)
- All snakes of the families Pythonidae and Boidae
- All Ursids (bears);
- All venomous Reptiles and Amphibians;
- All Viverrids (such as mongooses, civets and genetis);

Examples of animals of a particular prohibited group are given in parentheses. They are examples only and shall not be construed as limiting the generality of the group.

Appendix "D"

Bylaw # 2010-04

COMPLAINT FORM

On \_\_\_\_\_ at approximately \_\_\_\_\_ AM/PM, a

dog / cat described as follows:

\_\_\_\_\_

Which I personally know to be owned by:

\_\_\_\_\_

Address:

\_\_\_\_\_

Did 'run at large' and is, in my opinion, deemed to be a 'public nuisance' or did create a 'public nuisance' by:

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

I hereby request the Village of Perdue to take action against the owner of the above mentioned dog/cat. I understand that if the owner decides to defend himself against the charge, a summons will be issued, and I will be called upon to testify in a Court of Law and I hereby agree to do so.

DATED at Perdue, Saskatchewan, this \_\_\_\_\_ of \_\_\_\_\_.

Signed: \_\_\_\_\_ Witnessed: \_\_\_\_\_

Appendix "E"

Bylaw # 2010-04

APPLICATION TO REGISTER AN ANIMAL IN THE VILLAGE OF PERDUE

1. Name of Dog Owner: \_\_\_\_\_
2. Address: \_\_\_\_\_  
Box \_\_\_\_\_ Street Address \_\_\_\_\_  
Town \_\_\_\_\_ Postal Code \_\_\_\_\_
3. Description of Dog: \_\_\_\_\_  
Breed: \_\_\_\_\_  
Distinct Markings: \_\_\_\_\_  
Color: \_\_\_\_\_  
Sex: \_\_\_\_\_  
Age: \_\_\_\_\_  
Name: \_\_\_\_\_  
Working Guide Dog? Yes \_\_\_\_\_ No \_\_\_\_\_  
Has this dog been declared a dangerous dog by any jurisdiction?  
Yes \_\_\_\_\_ No \_\_\_\_\_
4. Liability Insurance: \_\_\_\_\_  
Name of Insurer: \_\_\_\_\_  
Address: \_\_\_\_\_  
Proof of Insurance provided to Village Office?  
Yes \_\_\_\_\_ No \_\_\_\_\_  
Amount: \_\_\_\_\_  
Policy Date: \_\_\_\_\_  
Provision in Policy for Notification of Cancellation /Expiry/Termination  
Yes \_\_\_\_\_ No \_\_\_\_\_  
Amount of License Fee: \$ \_\_\_\_\_ Date Paid: \_\_\_\_\_

Application Date \_\_\_\_\_ Signature of Applicant \_\_\_\_\_

**FOR OFFICE USE ONLY**

DATE LICENSE ISSUED: \_\_\_\_\_

LICENSE #: \_\_\_\_\_

PROOF OF INSURANCE POLICY RECEIVED? YES  NO  DATE REC'D \_\_\_\_\_