

VILLAGE OF RICHMOUND

Bylaw No. 2 - 2012

A BYLAW OF THE VILLAGE OF RICHMOUND, SASKATCHEWAN, TO PROVIDE FOR THE RESTRAINT, REGULATING AND IMPOUNDING OF DANGEROUS ANIMALS.

The council of the Village of Richmond in the Province of Saskatchewan enacts as follows:

Short Title

1 This bylaw may be cited as "The Dangerous Animal Bylaw".

Authority

2 The authority for this Bylaw is *The Municipalities Act*, hereinafter referred to as the "Act", in particular sections 374-380.

Definitions

3 In this Bylaw:

(a) "**Animal**" means all species of fauna that are allowed within the boundaries of the Village of Richmond but excluding humans, fish and aquatic invertebrates.

(b) "**Animal Control Officer**" means a Bylaw Enforcement Officer, RCMP, Peace Officer or any person appointed by Council for the purpose of enforcing the provisions of this Bylaw.

(c) "**Council**" means the Council for the Village of Richmond.

(d) "**Dangerous Animal**" means any animal that:

(i) without provocation, in a vicious or menacing manner, chases or approaches a person or domestic animal in an apparent attitude of attack;

(ii) has a propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise threaten the safety of persons or domestic animals;

(iii) without provocation, bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal;

(iv) is owned primarily or in part for the purpose of fighting or is trained for fighting; or

(v) is attack trained, but shall not include:

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

(B) any dog working as a guard dog on commercial property and that is securely enclosed on the property by a fence or other barrier sufficient to prevent the escape of the dog and the entry of children and is defending that property against a person who was committing an offense.

(e) "**Judge**" means a judge of the Provincial Court of Saskatchewan or a justice of the peace;

(f) "**Owner**" means:

(i) a person who keeps, possesses or harbours an animal; or

(ii) the person responsible for the custody of a minor where the minor is the owner of animal;

(g) "**Pound Keeper**" means the person, persons or association designated by the Village to maintain and administer the pound.

(h) "**Village**" means the Village of Richmond.

Dangerous Animal Hearings

4(1) 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.

(2) Notice of the hearing referred to in subsection (1) 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:

(i) by delivering it personally to the owner; or

(ii) 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;

(b) in the case of an owner that is a corporation:

(i) by sending it by registered mail to the registered office of the corporation; or

(ii) 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.

(3) 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.

(4) If the judge is satisfied, on the evidence, that the animal is dangerous, the judge shall make an order including 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 set out in section 12 and keep it under direct control and supervision;

(b) the owner shall inoculate the animal against rabies in accordance with the provisions of section 13;

(c) the owner shall report the sale or other disposition of the animal to a designated officer appointed pursuant to section 19.

(d) where the animal is moved to a different Village or municipality, the owner shall notify the clerk of that Village or municipality;

(e) where the animal is to be sold or given away, the owner shall:

(i) notify any prospective owner that the animal has been declared dangerous, before it is sold or given away; and

(ii) notify a designated officer appointed pursuant to section 19 of the name, address and telephone number of any new owner of the animal;

(f) if the animal is unlicensed, the owner shall, at the owner's expense and within ten days of the date of the order, purchase the requisite licence for the animal;

(g) the owner shall have the animal identified by either microchip or tattoo in accordance with section 14.

(5) An order pursuant to subsection (4) 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 set out in section 15;

(b) the owner shall obtain and keep in effect liability insurance in an amount of not less than \$300,000.00 for any bodily injury to or death of any person or domestic animal, or for damage to property, caused by the animal.

(c) the owner shall display a sign, which complies with the criteria set out in section 16, 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.

(6) Notwithstanding subsection (4), 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.

(7) Where an order has been made pursuant to subsection (5) against the owner, the owner may apply to the judge who made the order for an order that compliance with the provisions of clause (5)(b) be waived.

(8) On an application to subsection (7), the judge may waive compliance with clause (5)(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.

(9) 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.

(10) Notwithstanding section 4(1) the Village of Richmond may decide to send a Notice of Violation and levy penalties as set out in Council Policies and section 5 of this Bylaw before resorting to formal charges and a hearing.

Offences and Penalties

5(1) Any person who owns a animal for the purpose of animal fighting, or trains, torments, badgers, baits or otherwise uses an animal for the purpose of causing or encouraging the animal to make unprovoked attacks on persons or domestic animals is guilty of an offence.

(2) 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 subsection 4(5) or has not received the permission of the Village to display the sign is guilty of an offence.

(3) Any person who does not comply with any part of an order made against him or her pursuant to subsection 4(4), (5) or (6) is guilty of an offence.

(4) 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.

(5) 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 one year, 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.

(6) In addition to imposing the penalty under subsection (5), the convicting judge shall make an order including the requirements of subsection 4(4).

(7) An order pursuant to subsection (6) may also include the requirements of subsection 4(5).

(8) Notwithstanding subsection (6), 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.

(9) 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.

Order Binds Subsequent Owner

6. An order issued pursuant to section 4 or 5 continues to apply if the animal is sold or given to a new owner or is moved to a different Village or municipality.

Execution of Destruction Order

7(1) Unless the owner otherwise agrees, every order for destruction of an animal shall state that it shall not be implemented for eight days.

(2) 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.

(3) 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.

Return of Animal

8 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.

Destruction by Peace Officers

9(1) A peace officer as defined by the *Criminal Code* may destroy any animal that the officer finds injuring or viciously attacking a person or domestic animal.

(2) Where the officer acted in good faith, a peace officer who destroys an animal pursuant to subsection (1) is not liable to the owner for the value of the animal.

Entry and Search

10 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 of *The Municipalities Act*.

Charges May Be Added to Property Taxes

11(1) If a person owes the Village for costs incurred by the Village with respect to a 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.

(2) If an amount is added to the tax roll of a parcel of land pursuant to subsection (1), the amount:

(a) is deemed for all purposes to be a tax imposed pursuant to *The Municipalities Act* from the date it was added to the tax roll; and

(b) forms a lien against the parcel of land in favour of the Village from the date it was added to the tax roll.

Criteria for Muzzle and Leash for a Dangerous Animal

12 Where an animal that has been declared dangerous pursuant to section 4 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.

- (a) the animal shall be fitted with a collar or harness for the body that is properly placed and fitted on the animal;
- (b) 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;
- (c) the leash shall not exceed 1.2 metres in length and shall be constructed of a material having a tensile strength of at least 140 kilograms;
- (d) the muzzle on the animal shall be properly fitted on the animal to prevent it from biting any animal or person;
- (e) the muzzle shall be fitted on the animal in a manner that it will not interfere with the vision or respiration of the animal.

Inoculation

13(1) Where an animal has been declared to be dangerous pursuant to section 4, the owner of the animal shall, at the owner's expense and within ten days of the date of the order of the judge declaring the animal to be dangerous, have the animal inoculated against rabies by a veterinarian and provide proof to a designated officer that the animal has been inoculated.

(2) 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 subsection (1) until the expiration of 12 months from the date of inoculation of the animal.

(3) The owner of an animal shall have the animal inoculated within each 12-month period following the inoculation mentioned in subsection (1) or (2) during the lifetime of the animal.

Identification of Dangerous Animals

14(1) Where an animal has been declared dangerous pursuant to section 4, the owner of the animal shall, at the owner's expense and within ten days of the date of the order, cause the animal to be either microchipped by a veterinarian registered pursuant to *The Veterinarians Act, 1987* or tattooed.

(2) Where an owner is required to have an animal tattooed pursuant to subsection 4(4), the owner shall cause the animal to be tattooed on its ear or inside flank by a veterinarian by means of indelible or permanent ink.

Enclosures for Dangerous Animals

15 If a judge orders pursuant to clause 4(5)(a) that an animal be kept in an enclosure, the enclosure must comply with the following criteria:

- (a) the enclosure shall be constructed of wood or any other building material of sufficient strength and in a manner adequate to:
 - (i) confine the animal; and
 - (ii) prevent the entry of children of tender years;
- (b) 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;
- (c) the enclosure shall be at least 3 metres in length, 1.5 metres in width and 1.8 metres in height;
- (d) the enclosure shall have a top secured to the sides of the enclosure; (e) 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 metre;
- (f) the enclosure shall be located no closer than 1 metre to a property line and no closer than 5 metres from a dwelling unit located on an adjacent property.
- (g) 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.

Signs

16(1) Where an animal has been declared dangerous pursuant to section 4, the owner of the animal shall, within ten days of the date of the order of the judge declaring the animal to be dangerous, display a sign on his or her premises warning of the presence of the animal in the form illustrated in Appendix "A".

(2) A sign required by subsection (1) shall be placed at each entrance to the premises where the animal is kept and on the enclosure in which the animal is confined.

(3) A sign required by subsection (1) shall be clearly visible and capable of being read from any adjacent public road.

Quarantine

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

Rabies Test

18(1) 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 17, retain the head of the animal in a manner usable for testing the animal for rabies.

(2) Where a person destroys an animal in the circumstances described in subsection (1), 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.

Appointment of Designated Officers

19 The Leader Detachment of the RCMP shall be designated officers for the purposes of this Bylaw.

Coming Into Force

20 This Bylaw comes into force on the day of its final passing.

Read a third time and adopted this _____ day of _____ 2012.

Mayor

SEAL

Administrator

WARNING
DANGEROUS ANIMAL
ON PREMISES