

TOWN OF LANIGAN BYLAW 2/2004

A BYLAW OF THE TOWN OF LANIGAN TO PROVIDE FOR THE PROHIBITION OF DANGEROUS DOGS AND THE REGULATION AND CONTROL OF ALL OTHER DOGS INCLUDING LICENSING, RUNNING AT LARGE AND IMPOUNDING.



The Council of the Town of Lanigan in the Province of Saskatchewan enacts as follows:

1. This Bylaw shall apply within the boundaries of the Town of Lanigan.
2. In this Bylaw unless the context otherwise requires, the following definitions apply:
 - a) "DOG" shall mean and include every dog of either sex, or neutered, over the age of three (3) months.
 - b) "OWNER" shall mean any person who owns or harbours or keeps or allows any dog to remain about his house, home, place of residence or premises.
 - c) "DANGEROUS DOG" shall mean:
 - i) Any dog whatever its age with a known propensity, tendency or disposition to attack without provocation other domestic animals or humans; or
 - ii) Any dog which has bitten or attacked another domestic animal or human, without provocation; or
 - iii) Any dog which has been raised or trained for the purpose of fighting dogs or other domestic animals; or
 - iv) Any dog which remains within the boundaries of the Town of Lanigan for longer than 72 hours without being licensed by the Town of Lanigan.
 - v) Any Rottweiler, Pit Bull, Doberman Pinscher or any dog of these mixed breeds but shall not include:
 - i) any dog acting in the performance of police work;
 - ii) any dog working as a guard on commercial property:
 - securely enclosed on the property by a fence or other barrier sufficient to prevent the escape of the dog and the entry of children of tender years;
 - defending that property against a person who was committing an offence.
 - d) "RESTRICTED DOG" shall mean:
 - i) Any dog that has been declared a restricted dog pursuant to Section 15 b).
 - e) "NON-RESTRICTED DOG" shall mean:
 - i) Any dog over the age of three (3) months not included in 2 c) & d).
 - ii) Any dog which is a bona-fide seeing-eye dog possessed and used by a visually impaired person to assist them.
 - f) "DOG CATCHER" shall mean any corporation, person or persons engaged by the Town of Lanigan for the purposes of checking for licenses, capturing and impounding dogs under the provisions of this Bylaw and shall include the term "Pound Keeper".
 - g) "RUNNING AT LARGE" shall mean off the premises of the owner and not on a leash and/or not in the immediate and continuous effective control of a competent person.
 - h) "LICENSE INSPECTOR" shall mean the employee or employees of the Town of Lanigan responsible for issuing dog licenses and tags.
3. No person shall keep or possess or harbour a dangerous dog within the boundaries of the Town of Lanigan.

4. a) Every owner of a dog shall, not later than the 1st day of February in each year, obtain an appropriate license for the dog from the License Inspector of the Town of Lanigan and failure to do so shall constitute an offense under this Bylaw. No dog license issued by the Town of Lanigan in respect of a particular dog shall be transferable to any other dog.
b) When applying for a license, the applicant shall provide the License Inspector with the breed, physical description, size and other relevant information required by the License Inspector with respect to the dog for which the license is sought and shall provide the name and address of the owners of the dog or the owner's guardian.
c) The annual fee for a dog license shall be as set out in Schedule "A" attached hereto and which may be amended from time to time by resolution of Council.
d) In any proceedings before a Provincial Court Judge under the provisions of this Bylaw, ownership of a dog shall be prima facie established by submission to the Provincial Court a certificate of the Dog Catcher stating on information and belief as to who is the owner of the dog and upon receipt of such certificate by the Provincial Court the onus shall shift to the alleged owner to show that he or she is not the owner of the dog.
5. Every owner to whom a dog license has been issued under this Bylaw shall cause the dog to wear a collar to which shall be attached the license tag issued by the Town of Lanigan pursuant to this Bylaw. No person other than the owner of the dog licensed under this Bylaw shall remove its collar or tag and to do so shall be an offense under this Bylaw.
6. Every owner of a dog within the Town of Lanigan shall on demand by the License Inspector, Dog Catcher, Pound Keeper or a Peace Officer or Enforcement Officer produce and show to the individuals making the demand his/her license certificate and/or license tag as proof that his/her dog has a current license and failure to do so shall be an offense under this Bylaw.
7. a) The owner of a dog shall not at any time allow the dog to run at large within the Town of Lanigan and any owner who permits such running at large shall be deemed to be committing an offense under this Bylaw and upon summary conviction shall be subject to the penalties set out in Schedule "B" hereto.
b) The owner of a dog shall not at any time allow the dog to encroach on any private property other than his/her own and any owner who permits such action shall be deemed to be committing an offense under this Bylaw.
8. It shall be the duty of the Dog Catcher and such other persons as are designated by Town Council, to capture all dogs running at large contrary to the provision of this Bylaw whether or not such dog is wearing a collar with a tag attached thereto, and to confine such dog in the Dog Pound operated and maintained by the Town, or any other person or organization operating and maintaining such Pound on behalf of the Town.
9. a) All dogs impounded in the Dog Pound shall be confined therein for a period of 48 hours from the time of capture, during which time the owner or keeper thereof shall have the right to repossess the said dog upon paying to the Pound Keeper or License Inspector the amount as set forth in Schedule "C" in this Bylaw, which schedule may from time to time be amended by resolution of Council.
b) No unlicensed dog which is impounded shall be released to its owner or keeper or to any other person until the appropriate pound fee is paid and a license has been purchased for it.
10. Where the dog impounded is wearing a collar to which is attached a license tag valid for the current year, the Pound Keeper or License Inspector shall immediately send written notice to the owner to the address shown in the records made when the license was purchased, and no liability whatsoever, shall be attached to the Town, the License Inspector or the Pound Keeper by reason of the failure of the owner to receive such notice.
11. All impounded dogs which have not been claimed or redeemed by the owner or keeper within 48 hours as aforesaid, shall be sold, permanently moved from the Town of Lanigan, or disposed of in a humane manner. The Dog Catcher or Pound Keeper shall keep adequate monthly reports which can annually be summarized and presented to Council in which gives adequate information on all dogs picked up, impounded, and of their disposition.
12. It shall be the duty of the Pound Keeper or Dog Catcher to provide each dog impounded under the authority of this Bylaw an adequate supply of food and fresh water during its confinement in the Pound.

13. When the owner of any dog which is impounded for failure to have a tag, and for no other reason, has applied to the License Inspector to obtain the said dog out of the Pound before the dog has been sold or disposed of, as provided in the Bylaw, no fee shall be charged if the owner can satisfy the License Inspector that the collar and tag for the current year has been lost or stolen.
14. a) The owner of a dog shall not allow the animal to create a nuisance to any person by barking, howling, attempting to bite or biting anyone, chasing vehicles or bicycles and any owner who contravenes this section commits an offense under this Bylaw.
b) A Provincial Court Judge, upon being satisfied by Affidavit that any dog is causing a nuisance as described in paragraph a) preceding, shall direct a Peace Officer to give notice to be abated so as to prevent its reoccurrence of any such nuisance and if such nuisance continues, then in addition to any penalty imposed in Schedule "B" hereof, the Provincial Court Judge may order the dog destroyed without further notice to the owner.
15. a) If upon information or complaint, it is alleged that a restricted dog has bitten or attempted to bite any person or domestic animal, without provocation, the Provincial Court Judge having cognizance of such complaint shall, upon proof of the complaint, in the case of a restricted dog order the dog destroyed in addition to any penalties set out in Schedule "B" hereto.
b) If upon information or complaint, it is alleged that non-restricted dog has bitten or attempted to bite any person or domestic animal without provocation, the Provincial Court Judge having cognizance of such complaint, shall, upon proof of the complaint, declare the dog to be a restricted dog and order the owner of the dog complained of to keep the said dog under proper control in addition to any penalties set out in Schedule "B" hereof and if there has been more than one complaint respecting the dog in the twelve months preceding, may order the dog destroyed.
c) In the event the owner of a dog referred to in paragraphs a) & b) preceding is not known or fails to appear in the Court, the Provincial Court Judge shall order the dog destroyed.
16. Requirements for obtaining and maintaining a Restricted License:
 - a) An owner of a Restricted Dog shall maintain in force a policy of liability insurance in a form satisfactory to the Town Administrator providing third-party liability coverage in a minimum amount of \$500,000 for injuries caused by the owners restricted dog.
 - b) The insurance policy shall contain a provision requiring the insurer to immediately notify the Town in writing should the policy expire, or be terminated or cancelled.
 - c) Within two (2) months after the passage of this Bylaw the owner of a restricted dog shall provide the Town Administrator proof that such liability policy is in force before he or she may obtain a Restricted Dog License.
 - d) Upon expiration, termination or cancellation of the insurance policy the Restricted Dog License is rescinded and becomes null and void.
 - e) 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 sixteen (16) years, or confined in a securely enclosed and locked pen or other structure constructed to prevent the escape of the restricted dog and capable of preventing the entry of young children.
 - f) Such pen or enclosure shall have secure sides and top and if the bottom is not secured to the sides must be embedded in the ground to a minimum depth of one (1) foot. If the animal shows a propensity for trying to escape from the pen or enclosure by digging, the enclosure or pen shall be constructed so as to prevent this.
 - g) When any restricted dog is off the premises of the owner, the owner shall securely muzzle such dog and either harness it or leash it securely to effectively prevent it from attacking and injuring a person or other domestic animal.
 - h) Subsection g) preceding shall not apply when the restricted dog is in a pen or enclosure meeting the requirements of subsections e) & f) preceding.
 - i) The owner of a restricted dog shall take all necessary steps to ensure that such dog does not bite, chase or attack any person or other domestic animal, whether the person or domestic animal is on the property of the owner or not.

17. a) If a dog defecates on any public or private property other than the property of the owner, possessor or harbourer of the said dog, the owner, possessor or harbourer of the dog shall cause such defecation to be removed immediately and disposed of in a sanitary manner. Failure to cause such removal shall be an infraction of this Bylaw.
- b) Defecation deposited on the private property of the owner, possessor or harbourer of a dog shall be removed and disposed of in a sanitary manner on a daily basis. Failure to cause such removal shall be an infraction of this Bylaw.
18. Bylaw 4/2003 is hereby repealed.

MAYOR

SEAL

TOWN ADMINISTRATOR

SCHEDULE "A" – BYLAW NO. 2/2004

ANNUAL LICENSE FEE FOR DOGS

- | | | |
|----|---------------------|---------|
| a) | Restricted Dogs | \$50.00 |
| b) | Non-Restricted Dogs | \$15.00 |

SCHEDULE "B" – BYLAW NO. 2/2004

PENALTIES

1. In addition to any other penalties which they may be subject to, any person who violates any provision of this Bylaw shall be guilty of an offense and shall be liable on summary conviction to the following penalties:
 - i) Any owner found guilty of an infraction of Section 3 of the Bylaw shall be liable to a penalty of \$250 per occurrence and should a person who harbours a dangerous dog not remove the dog by a given date, an additional penalty of \$25 per day shall be applied to the original \$250 penalty.
 - ii) Failure to obtain and keep in force a restricted dog license, a fine of \$250.
 - iii) Failure to obtain and keep in force a non-restricted dog license, a fine of \$150.
 - iv) Failure to maintain in force a policy of liability insurance as required pursuant to Section 16 a), a fine of \$250.
 - v) Failure to confine a restricted dog when on the owners premises in accordance with the Bylaw, a fine of \$250.
 - vi) Failure to muzzle and secure a restricted dog when off the owner's premises, a fine of \$250.
 - vii) Permitting a non-restricted dog to run a large, a fine of \$150, and if convicted more than once in a twelve month period, a fine of \$200 for each subsequent conviction.
 - viii) Misrepresenting the breed of the dog when making an application for a license, a fine of \$50.
 - ix) Where any person has committed or alleged to have committed a breach of the Sections of this Bylaw specified in subsection a) of Section 4 and subsections a) & b) of Section 7, upon being served with a Notice of Violation may voluntarily pay to the Administrator of the Town of Lanigan a reduced penalty of \$25 within ten days of the issuance of the Notice of Violation and upon payments so provided that person shall not be liable to prosecution of that offense.
 - x) The Notice of Violation shall be in Form 1. attached to and forming part of this Bylaw.
2. Every person who commits an offense under this Bylaw where a specific penalty for that offense is not set out shall be subject to a fine of not less than \$50 or more than \$250 upon summary conviction.
3. Conviction of a person for a contravention of any provision of this Bylaw does not relieve that person from compliance with the Bylaw and the convicting Judge or Justice of the Peace shall in addition to any fine imposed, order the person to perform within a specified period, any act or work necessary for the proper compliance with the Bylaw or to remedy the contravention of the Bylaw.

SCHEDULE "C" – BYLAW NO. 2/2004

IMPOUNDMENT FEES

1. Impounding fees \$50 plus \$5 per day or part thereof.

FORM 1.

TOWN OF LANIGAN
NOTICE OF ANIMAL CONTROL VIOLATION

NO: _____

NAME: _____

ADDRESS: _____

DATE: _____ TIME: _____ a.m.
p.m. LICENSE NO. _____

DESCRIPTION OF VIOLATION: _____

LOCATION OF VIOLATION: _____

You are charged with violation of Bylaw No. 2/2004 Section(s): _____

Penalty for the above violation: _____

Bylaw Enforcement Officer/Dog Catcher/License
Inspector

You may make voluntary payment of the above penalty at the Municipal Office of the Town of Lanigan during regular office hours or by mail within 10 days from the date of service of this Notice of Violation.

If you do not make voluntary payment within the time set out above, you shall be liable to prosecution and, upon summary conviction, you shall be liable to the penalty provided under Section(s) _____ of the said Bylaw.