

Animal Control Bylaw

BYLAW 2016-40

A BYLAW TO CONTROL ANIMALS IN THE VILLAGE OF VISCOUNT.

1. SHORT TITLE

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

2. PURPOSE

The purpose of this Bylaw is as follows:

- To provide for the licensing of restricted dogs
- To control and regulate cats and dogs
- To provide for the impounding of cats and dogs that are at large

3. DEFINITIONS

- a) Administrator – means the Administrator of the Village of Viscount
- b) Animal Control Officer – shall mean any corporation, person or persons engaged by the Village of Viscount for the purposes of checking for licenses, capturing and impounding dogs and or cats under the provisions of this bylaw and shall include the term “pound keeper”
- c) Cat – means a male or female cat or a male or female kitten over (8) eight weeks of age
- d) Council – means the Council of the Village of Viscount
- e) Dog – means a male or female dog or male or female puppy over eight (8) weeks of age
- f) Dangerous Dog – means
 - any dog that, without provocation, in a vicious or menacing manner, chases or approaches a person or domestic animal in the apparent attitude of attack;
 - any dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise threaten the safety of persons or domestic animal;
 - any dog that, without provocation, has bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal;
 - any dog which is owned primarily or in part for the purpose of dog fighting or is trained for fighting.
- g) Municipality or Village – means the Village of Viscount
- h) Owner – includes
 - a person, person, partnership, association or corporation who keeps, possesses, harbors or has care of or control of a dog or cat;
 - the person responsible for the custody of a minor where the minor is the owner of a dog or cat.
- i) Pound – means such premises and facilities as may be designated by the Council of the Village of Viscount for the purpose of safely lodging and securing animals seized pursuant to this bylaw.
- j) Pound keeper – means a person designated by the Village of Viscount from time to time to maintain and administer the pound.
- k) Person- means and includes an individual(s), partnership, association or corporation
- l) Restricted dog – means
 - pit bull terrier, American pit bull terrier, pit bull, Staffordshire bull terrier, bull terrier, American Staffordshire terrier, Doberman pinscher, Rottweiler, German Shepard, Rhodesian ridgeback, wolf hound, wolf cross, coyote cross, bulldog, bull mastiff or any dog mixed breeding which includes any of the aforementioned breeds (which can be identified through its physical characteristics) or, a dog declared dangerous under Division 5 Dangerous Animals Section 374 to and including Section 380 of the *Municipalities Act*.
 - 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.
- m) Running at large – means when the dog or cat is beyond the boundaries of land occupied by the owner, possessor, 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:
 - on a leash or harness and in direct and continuous charge of a person competent to control it; or
 - securely confined within an enclosure; or
 - securely fastened so that it cannot roam at will.

4. REGISTERING

- a) Every owner of a restricted dog within the Village shall register each dog with the Village Office. At the time of registering, the applicant shall provide the Village Office with a physical description of the dog and the breed of the dog.
- b) There is a one-time registration of a restricted dog.
- c) The sum payable for a registration fee is \$100.00.
- d) Any dog registration certificate or applicable fee issued pursuant to the provisions of this bylaw by the Village shall not be transferable to any other dog.
- e) Notwithstanding Section 4(d), a restricted dog which has been professionally trained to assist the physically challenged or those suffering from chronic, life threatening diseases including, but not limited to, epilepsy, diabetes, blindness and wheelchair confinement, shall not be subject to a registration fee.
- f) A person residing in the town, who owns, possesses keeps or harbors a restricted dog and neglects or refuses to register or pay any applicable registration fee shall be subject to the penalties as outlined in Schedule "B" of this bylaw.

5. 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.
- 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. An exception may be made if the owner is actively looking for a lost dog or cat.
- 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 Village of Viscount.

6. LIMITS – DOGS AND CATS

- a) No person within the village shall harbor or keep more than four (4) dogs on any one property. If an owner fails or refuses to comply with the provisions of this section, he/she shall be subject to the penalties as set out in Schedule "B" attached hereto.
- b) No person within the village shall harbor or keep more than four (4) cats on any one property. If an owner fails or refuses to comply with the provisions of this section, he or she shall be subject to the penalties as set out in Schedule "B" attached hereto.

7. SEIZURE AND IMPOUNDING

- a) An Animal Control Officer may seize and impound any dog or cat observed to be at large.
- b) An Animal Control Officer may enter onto land surrounding any building in pursuit of any dog or cat which has been observed to be at large.
- c) The Animal Control Officer is hereby authorized to seize and capture, by any method authorized by resolution of Council, and impound any dog or cat running at large contrary to the provisions of this bylaw.
- d) Any person may take any dog or cat found running at large 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:
 - interfere with or attempt to obstruct an Animal Control Officer who is attempting to seize or has seized any dog or cat in accordance with the provisions of this bylaw;
 - 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 there from.
 - Remove or attempt to remove any dog or cat from the possession of the Animal Control Officer.

8. POUND

- a) The Council shall endeavor to appoint a pound keeper.
- 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" of this Bylaw.
- 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, and in the case of a restricted dog until it has been registered.
- d) When a dog has been impounded, the Village Office shall immediately attempt to contact the owner as shown in the records made when the dog was registered at the address shown therein or shall immediately post notice in the Village Office containing a description of the dog, that unless the said dog is claimed and the fees as provided for in this bylaw are paid within 72 hours from the date of impounding, the said dog shall be dealt with pursuant to the provisions of the bylaw. When a cat has been impounded, the Village Office shall immediately post notice in the Village Office containing a description of the cat along with the terms for release.
- e) All impounded dogs or cats which are not claimed within 72 hours as aforesaid, may be taken to the nearest animal shelter. It shall be the duty of the pound keeper to provide each dog or cat impounded under the authority of this bylaw an adequate

supply of food and fresh water and proper shelter during its confinement in the pound on a daily basis.

- f) Any dog found in any public street, lane, park, or other public place or otherwise running at large contrary to the provisions of this bylaw, the Animal Control Officer may seize and impound by any method authorized by Council.

9. 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 harbinger of the said dog or cat, the owner, possessor or harbinger of the dog or cat shall cause such defecation to be removed immediately and disposed of in a sanitary fashion.
- b) Defecations deposited on the private property of the owner, possessor or harbinger of a dog or cat shall be removed and disposed of in a sanitary manner on a weekly basis.

10. NUISANCE

- a) The owner, possessor or harbinger of a dog shall not allow the animal to create a nuisance to any person by barking, howling, attempting to bite or biting anyone or any domestic animal, chasing vehicles or bicycles and any owner, possessor or harbinger who contravenes this section commits an offence under this bylaw.
- b) The owner, possessor or harbinger of a cat shall not allow the animal to create a nuisance to any person by howling, hissing or otherwise making disruptive noises or by urinating, defecating or spraying on or otherwise damaging or interfering with any property other than the property of the owner, possessor, or harbinger. Any owner, possessor or harbinger who contravenes this section commits an offence under this bylaw.
- c) Where a dog or cat is found to be creating a nuisance, the owner or occupant of that property on which the dog or cat is creating a nuisance may make a written complaint to the Village of Viscount.

11. RABIES AND OTHER DISEASES

- a) Any dog or cat suspected of having rabies shall not be killed but shall be secured and isolated for ten (10) days and the matter immediately reported to a veterinary clinic whose instructions shall be complied with.
- b) An owner, possessor or harbinger 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.
- c) Where a complaint is received by the Village Office that a dog within the Village is dangerous, Division 5 -Dangerous Animals Section 374 to and including Section 380 of the *Municipalities Act* shall apply.
- d) The following municipal officials are hereby designated for the purposes of Division 5 Dangerous Animals Section 374 to and including Section 380 of the *Municipalities Act*. Animal Control Officer
- e) The following municipal official is hereby designated for the purpose of Division 5 Dangerous Animals Section 374 to and including Section 380 of the *Municipalities Act* as the person to be notified if an owner sells or otherwise disposes of a dangerous dog.

12. RESTRICTED DOGS

- a) Requirements for obtaining and maintaining a registration for a restricted dog are as follows:
 - Within one month after the passage of this bylaw, the owner of a restricted dog shall register the restricted dog with the Village Office.
 - 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 built to prevent the escape of the restricted dog and capable of preventing the entry of young children.
 - Such pen or enclosure shall have secure sides and top and if the bottom is not secured to the sides, the sides must be embedded in the ground to a minimum depth of one (1) foot. If the dog 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.
 - When any restricted dog is off the premises of the owner, the owner shall securely muzzle such dog and either harnesses it or leashes it securely to effectively prevent it from attacking and injuring any person or domestic animal and ensure that it is under the complete control of a competent person.
 - The owner shall display a sign on his/her property warning of the presence of the dog. Example – "BEWARE OF DOG"

13. 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 not more than \$2000.00.

14. PENALTY

- a) Where any person has committed or alleged to have committed a breach of any of the provisions of this bylaw, a ticket in the form designated Form "A" attached to and forming a part of this bylaw, may be served on such person by the Animal Control Officer or by registered mail by the Administrator of the Village of Viscount.
- b) A person to whom a ticket is being issued pursuant to this section shall furnish the Animal Control Officer with his/her name and address upon request.
- c) 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 "B" to this bylaw.
- 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.

15. 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.

16. REPEAL OF FORMER BYLAWS

Bylaw No. 2007-40 passed on the 22th of June, 2016 is hereby repealed



Valerie Schlosser
Administrator
Valerie Schlosser

Moe Kirzinger
Mayor
Moe Kirzinger

Certified a true copy of
Bylaw 2016-40 adopted by
Resolution of Council
On the 22nd of June, 2016.

Valerie Schlosser
Administrator
Valerie Schlosser

SCHEDULE "A"

**ANIMAL BYLAW
TO BYLAW 2016-40**

Registration fee {Section 3(d)}

Restricted dogs registration fee - \$100.00

Non- restricted dogs - No fee

Cats – No fee

SCHEDULE "B"

**ANIMAL BYLAW
TO BYLAW 2016-40**

PENALTIES – NON-RESTRICTED DOGS – CATS

OFFENCES	1st Offence	2nd Offence	Subsequent Offence
1. Running at large	\$100.00	\$200.00	\$400.00
2. Dog/Cat creating a nuisance	\$50.00	\$100.00	\$200.00
3. Accumulation of Animal Feces	\$50.00	\$100.00	\$200.00
4. Interfere with Bylaw Enforcement	\$50.00	\$100.00	\$200.00

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

PENALTIES – RESTRICTED DOG	1st Offence	Subsequent Offence
1. Failure to obtain registration for Restricted Dog	\$250.00	\$500.00
2. Failure to harness, muzzle or leash when off of Premises of owner, possessor or harbinger	\$250.00	\$500.00
3. Failure to prevent running at large	\$250.00	\$500.00
4. Falsifying breed of dog when registering	\$500.00	\$1000.00

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

FORM "A"

Animal Control Bylaw
Bylaw 2016-40

APPLICATION TO REGISTER A RESTRICTED DOG IN THE VILLAGE OF VISCOUNT
{Section 4 a}

1. Name of owner: _____

2. Address (mailing):

Box	Town	Postal Code
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Address (civic):

Street

Phone number:

Home	Cell:
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3. Is this animal a working guide dog? Yes ___ No ___

4. This animal is: sterilized ___ non-sterilized ___

5. Description of Animal:

Breed: _____

Distinct Markings: _____

Color: _____

Sex: _____

Age: _____

Name: _____

6. Has this animal been deemed a dangerous animal by any jurisdiction?

Yes: ___ No: ___

7. If this animal is a dog, please indicate if it is any of the following restricted breeds:

- | | |
|--|---|
| <input type="checkbox"/> Pit Bull Terrier | <input type="checkbox"/> American Pitbull Terrier |
| <input type="checkbox"/> Pit Bull | <input type="checkbox"/> Staffordshire bull terrier |
| <input type="checkbox"/> Bull Terrier | <input type="checkbox"/> American Staffordshire terrier |
| <input type="checkbox"/> Doberman pinscher | <input type="checkbox"/> Rottweiler |
| <input type="checkbox"/> German shepherd | <input type="checkbox"/> Rhodesian Ridgeback |
| <input type="checkbox"/> Wolf hound | <input type="checkbox"/> Wolf cross |
| <input type="checkbox"/> Coyote cross | <input type="checkbox"/> Bulldog |
| <input type="checkbox"/> Bull Mastiff | |

X _____
Signature of Applicant

Form "B"

**Animal Control Bylaw
Bylaw 2016-40**

Village of Viscount

AVOID PROSECUTION BY PAYING PROMPTLY

TIME: _____ am DATE: _____
 pm

NAME OF VIOLATOR: _____

ADDRESS POSTAL CODE: _____

ISSUED BY: _____

ANIMAL CONTROL BYLAW NO. 2016-40

LOCATION OF VIOLATION:

- OWNER OF DOG
- POSSESSOR OR HARBOURER OF DOG

YOU ARE CHARGED WITH VIOLATION OF BYLAW NO. 2007-01

Violation: _____ Section: _____ Fine: _____

PLEASE PAY WITHIN 7 DAYS \$ _____ OF ISSUE DATE TO AVOID PROSECUTION.

AFTER 7 DAYS THE FEE WITH BE \$ _____.

ALL OFFENCES AFTER 7 DAYS - \$50.00 - \$2000.00

PENALTY TO BE PAID DURING REGULAR OFFICE HOURS OR BY MAIL TO:

**THE VILLAGE OF VISCOUNT
BOX 99
VISCOUNT, SK
S0K 4M0**

ANIMAL CONTROL OFFICER

ADMINISTRATOR