

To: Mayor and Members of Council

December 20, 2010

Re: Proposed Bylaw –Bylaw to License and Prohibit the Running at Large of Dogs

### **Background**

The current Bylaw 439-05 state: that the dog license shall be in effect from January 1 – December 31 of a calendar year, and shall be obtained on or before February 1 or within 20 days of taking possession of the dog. The license fee as per schedule “A” is \$25.00 for each non-sterilized dog and \$15.00 for each sterilized/neutered dog.

Your Administration proposes that the annual fee be changed to a lifetime fee of \$25.00 per dog for non-sterilized, sterilized and neutered. (Please see attached current Bylaw 439-05 and proposed new Bylaw)

### **Discussion**

Over the past years, the Administration has sent out renewal applications for dog licenses in January of each year. This process is time consuming and the cost to administer the annual registration barely covers the revenue generated. Your administration has found that residents need to be reminded of registration as the 2010 GL figures indicate.

- In 2009, letters were sent to residents to register their dogs – 165 dogs were registered and \$2,380.00 revenue generated.
- In 2010, no reminders were sent to residents to register their dogs – 44 dogs were registered and \$730.00 revenue generated.

The dog registry serves as an identification process for stray dogs. Dogs that are detained at the animal shelter whose owner is known will be held for 10 days. If the owner is unknown and animal not claimed, the animal can be relinquished to the animal shelter within 72 hours.

Administration has checked with other communities on licensing dogs. Pilot Butte no longer issues dog licenses, the RM of Edenwold does not issue dog licenses, Indian Head has an annual fee of \$10.00 or \$30.00 lifetime fee.

### **Budget Implications**

none

## Recommendation

Administration recommends Council pass the following motions:

“THAT Bylaw -10, being a Bylaw to License and Prohibit the Running at Large of Dogs be introduced and given first reading.”

“THAT Bylaw -10, being a Bylaw to License and Prohibit the Running at Large of Dogs be given second reading.”

“THAT Bylaw -10 be given three readings at this meeting.”

“THAT Bylaw -10, being a Bylaw to License and Prohibit the Running at Large of Dogs be given third and final reading and is hereby adopted.”

Respectfully submitted,



Shauna Bzdel,  
Town Manager

**TOWN OF WHITE CITY  
BYLAW NO. 439-05**

**A BYLAW OF THE TOWN OF WHITE CITY TO LICENSE  
AND PROHIBIT THE RUNNING AT LARGE OF DOGS.**

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

1. In this Bylaw:

**"Act"** means *The Urban Municipality Act, 1984*;

**"Animal Protection Officer"** and/or **"Bylaw Officer"** means: a person employed by The Regina Humane Society Inc. as an Animal Protection Officer; a Town of White City Bylaw Enforcement Officer; a member of the RCMP, or the Director;

**"Animal Shelter"** means the facility designated by Council as the facility where: surrendered, relinquished or abandoned animals, animals apprehended by Animal Protection Officers; and animals requiring impoundment may be taken and kenneled;

**"Assist dog"** means a dog used to assist persons with disabilities;

**"At large"** means being on:

- a) Public property unaccompanied by any person;
- b) Public property accompanied but not under the complete control of a person by means of a leash; or
- c) Private property without the permission of the owner or occupant of the property;

**"Town"** means the municipal corporation of the Town of White City and the area of land over which it has jurisdiction;

**"Council"** means the Council of the Town of White City;

**"Clerk/Administrator"** means the Clerk or Administrator of the municipality;

**“Director”** means the person who manages and supervises the Animal Protection Officers and the operation of the Animal Shelter on behalf of the organization appointed by the Council to supervise and direct the operation of the Animal Shelter and the provisions of dog and dog control services for the Town of White City;

**“Dangerous dog”** shall mean:

- i) Any dog without provocation, in a vicious or menacing manner, chases or approaches a person or domestic animal in an apparent attitude of attack;
- ii) Any dog having an inclination, tendency or disposition to attack without provocation, to cause injury or to otherwise threaten the safety of persons or domestic animals;
- iii) Any dog which has without provocation, bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal;
- iv) Any dog owned primarily or in part for the purpose of dog fighting or is trained for dog fighting;

but shall not include:

- i) Any dog acting in the performance of police work;
- ii) Any dog working as a guard dog 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.

**“Dog”** means any carnivorous quadruped of the genus Canis either male or female, over three months of age;

**“Dog run”** means a structure designated and/or used for the keeping or containment of a dog;

**"Leash"** means a restraint used to control a dog which restraint does not exceed 1.2 metres in length and is constructed of a material having a tensile strength of at least 140 kilograms;

**"Municipality"** means the Town of White City;

**"Non-sterilized dog"** means a dog which is capable of reproducing;

**"Owner"** means any person owning, possessing, or keeping a dog:

**"Owner"** includes:

- i) A person who keeps, possesses or harbours a dog;
- ii) The person responsible for the custody of a minor where the minor is the owner of a dog.
- iii) A veterinarian registered in accordance to The Veterinarians Act, 1987 who is keeping or harbouring a dog for the prevention, diagnosis or treatment of a disease or injury.
- iv) An urban or rural municipality, the Saskatchewan Society for the Prevention of Cruelty to animals, a local Society for the Prevention of Cruelty to Animals or a Humane Society operating pursuant to The Animal Protection Act, with respect to an animal shelter or impoundment facility operated by any of them.

**"Provocation"** means an act done intentionally for the purpose of provoking a dog.

### **Licensing**

2. For the purposes of licensing, there shall be two classes of dogs being:
  - a) Non-sterilized dog;
  - b) Sterilized dog; and

- 3.01 Every person within the municipality who owns, possesses, or harbours a male or female dog over three months old, shall obtain a license from the Administrator of the Town of White City.
- 3.02 The license shall be in effect from January 1 to December 31 of a calendar year, and shall be obtained on or before February 1 or within 20 days of taking possession of the dog.
- 3.03 The license fee shall be as per schedule "A".
- a) For each non-sterilized dog: \$25.00
  - b) For each sterilized/neutered dog: \$15.00
- 3.04 No person shall harbour, keep, or have in his possession in or about his dwelling unit, more than three (3) dogs. A person residing in the Town who has more than three (3) dogs is guilty of an infraction of this bylaw.
- 3.05 Every person to whom a license has been issued under this bylaw shall cause his/her dog to wear a collar to which shall be attached the license tag issued by the municipality pursuant to this bylaw.
- 3.06 Where an Owner claims his/her dog is a sterilized dog, the Owner shall provide evidence to the Director in the form of written communication from a certified veterinarian that the dog is incapable of reproducing
- 3.07 A license issued pursuant to this section is non-transferable and non-refundable.

#### **At Large**

4. No owner shall allow or permit his or her dog to run at large in the Town. For the purposes of this Bylaw, a dog shall be deemed to be running at large when it is beyond the boundaries of the land occupied by the owner, possessor or harbourer of the said dog, or beyond the boundaries of any lands where the dog is permitted or allowed to be by the occupant of the said land and when it is not under control by being:
- a) Securely confined within an enclosure; or
  - b) Securely held on a leash.

5. The Director shall receive and detain at the Animal Shelter any dog found at large.
- 6.01 An Animal Protection Officer or any adult may restrain a dog found at large and convey the dog to the Director of the Animal Shelter.
- 6.02 The person delivering a dog pursuant to subsection (1), shall provide the Director with the name of the owner of the dog, if known, and the place and time of restraint.

#### **Defecation**

- 7.01 Where a dog has defecated on public property, a private property, without the consent of the owner of the property, the Owner of the dog shall immediately remove the defecation.
- 7.02 An Owner of a dog shall remove the dog's defecations from the Owner's property, and shall dispose of the defecation in a sanitary manner.

#### **Female Dogs**

8. An Owner of a non-sterilized female dog shall keep the dog indoors at all times during the period the dog is in heat.

#### **Dog Runs**

- 9.01 Where a dog is housed or kept in a dog run, the Owner shall ensure that the dog run is kept in a sanitary condition protecting the health and safety of the dog and any other living being.
- 9.02 An Owner shall ensure a dog run on the Owner's property is 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.
- 9.03 An Owner shall ensure that a dog run on the Owner's property is constructed of material of sufficient strength and in a manner adequate to:
  - a) Confine the dog; and
  - b) Prevent the entry of children of tender years.

- 10.01 If, in the opinion of an Animal Protection Officer the condition or location of a dog run is not in accordance with this Bylaw, the Animal Protection Officer may order the owner of the property on which the dog run is located, to clean, alter, demolish or relocate the dog run within the time period specified in the order.
- 10.02 The person to whom an order is issued pursuant to subsection (1) shall comply with the order within the time specified in the order.
- 10.03 An order to relocate a dog run issued pursuant to subsection (1) will allow the owner of the property on which the dog is located, at least 30 days to relocate or remove the dog run.

**Detainment and Release**

- 11.01 Where the Director has received a dog whose Owner is known, the Director shall, within 24 hours, provide notice to the Owner of the fact of the dog's detainment and the amount required to be paid, as per schedule "A", in order for the dog to be released.
- 11.02 Notice in subsection (1) may be given by telephone or in writing.
- 12. An Owner or the Owner's agent may claim a detained dog by attending the Animal Shelter and providing the Director with proof of ownership or entitlement to the dog.
- 13. The Director shall not release a detained dog unless the:
  - a) Person claiming the dog can satisfy the Director that he or she is the Owner or the person entitled to possession of the dog; or
  - b) Director has received the detainment fee as set out in Schedule A.
- 14.01 A dog may be considered to be relinquished to the Animal Shelter when a dog:
  - a) Detained at the Animal Shelter, whose Owner is unknown, is not claimed and released within 72 hours from the time the dog was received at the Animal Shelter;

- b) Detained at the Animal Shelter, whose Owner is known, is not claimed and released within 10 days from the time the dog was received at the Animal Shelter; or
  - c) Is surrendered to the Animal Shelter by its Owner.
- 14.02 The time requirements in subsection (1) do not include days during which the Animal Shelter is not open to the public.
15. Where a dog has been relinquished to the Animal Shelter, the Director may:
- a) Make the dog available for public adoption; or
  - b) Destroy the dog by humane means.

**Appointment of Designated Officers**

16. The director and animal protection officer employed by the Regina Humane Society Inc. shall be designated officer for the purposes of this bylaw.

**Dangerous Dogs**

17. No owner shall possess or harbour a dangerous dog within the Town of White City.

**Penalties**

18. Every person who contravenes or fails to comply with any provision of this Bylaw, is guilty of an offence and liable on summary conviction to:
- a) A fine in the amount set out in Schedule A; or
  - b) Where a fine is not specified, to a fine of up to \$10,000.00 in the case of an individual, or as decided by the Judge.

**Voluntary/Reduction of Payment**

- 19.01 When an Animal Protection Officer has reason to believe that a person has contravened any provision of this Bylaw, the Animal Protection Officer may issue a Notice of Violation to the person in contravention.

- 19.02 A Notice of Violation issued pursuant to subsection (1) shall indicate that the Town will accept the voluntary payment amount prescribed for the offence in Schedule A, at the Animal Shelter or at the White City Municipal Office.
- 19.03 Where the Town has received the voluntary payment amount prescribed for the offence in Schedule A, the person to whom the Notice of Violation was issued will not be liable to prosecution for the alleged contravention of the Bylaw.

**General**

- 20. Any payment required pursuant to this Bylaw may be made at the Animal Shelter or at the Town of White City Municipal Office.
- 21. The Town adopts the procedure set forth in the *Summary Offences Procedure Act, 1990* except where inconsistent herewith and the powers of the Town, and, specifically the Town adopts the form and use of the Summary Offence Ticket set forth in Schedule A of the *Summary Offences Procedure Regulations, 1991*, with respect to enforcement of this Bylaw.

**Repeal and Coming into Force**

- 22. Bylaw No. 364-02 is repealed.
- 23. This Bylaw comes into force on the day of its passage.

(SEAL)

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Administrator

INTRODUCED AND READ A FIRST TIME THIS 21st DAY OF NOVEMBER, 2005.

READ A SECOND TIME THIS 21ST DAY OF NOVEMBER, 2005.

READ A THIRD TIME AND ADOPTED THIS 21ST DAY OF NOVEMBER, 2005.

**TOWN OF WHITE CITY  
SCHEDULES TO BYLAW NO. 439-05**

**SCHEDULE "A"  
As provided for in Section 3**

**LICENSE FEES**

For each sterilized dog (male or female) over 3 months of age: \$15.00

For each non-sterilized dog (male or female) over 3 months of age: \$25.00

**As provided for in Section 11**

**POUND CHARGES**

Impoundment Charge: (As per fees set by Regina Humane Society)  
(Payable to Regina Humane Society) Humane Society)

Housing Charge: \$20.00 per day or portion thereof for every day held

**As provided for in Section 16**

**A) IN THE CASE OF VOLUNTARY PAYMENT, WITHIN 30 DAYS OF INFRACTION**

<u>Bylaw Section</u>	<u>Amount</u>	<u>Bylaw Description</u>
3.	\$100.00	No current license.
4.	\$100.00	More than three dogs.
5.	\$100.00	Running at large.
7.	\$100.00	Failure to Remove Defecation
17.	\$100.00/day	Dangerous Dog

**B) IN THE CASE WHERE VOLUNTARY PAYMENT IS NOT PAID WITHIN THE SPECIFIED TIME, AND THE DEFENDANT PROCEEDS TO A HEARING IN COURT:**

<u>Bylaw Section</u>	<u>Amount</u>	<u>Bylaw Description</u>
3.	\$250.00	No current license.
4.	\$250.00	More than three dogs.
5.	\$250.00	Running at large.
7.	\$250.00	Failure to Remove Defecation
17.	\$250.00/day	Dangerous Dog

**TOWN OF WHITE CITY  
BYLAW NO. -10**

**A BYLAW TO LICENSE AND PROHIBIT DOGS RUNNING AT LARGE.**

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

1. This bylaw may be referred to as the “Dog Control Bylaw”
2. For the purpose of this bylaw, the expression:
  - a) **administrator** shall mean the administrator of the municipality;
  - b) **council** shall mean the council of the Town of White City;
  - c) **designated officer** shall mean that person designated by the council of the municipality;
  - d) **dangerous dog** shall mean:
    - i) Any dog without provocation, in a vicious or menacing manner, chases or approaches a person or domestic animal in an apparent attitude of attack;
    - ii) Any dog having an inclination, tendency or disposition to attack without provocation, to cause injury or to otherwise threaten the safety of persons or domestic animals;
    - iii) Any dog which without provocation, bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal;
    - iv) Any dog owned primarily or in part for the purpose of dog fighting or is trained for dog fighting;but shall not include:
    - i) Any dog acting in the performance of police work;
    - ii) Any dog working as a guard dog 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 offense.

- e) **dog** shall mean either male or female carnivorous quadruped of the genus canis, over three months of age;
- f) **municipality** shall mean the Town of White City;
- g) **poundkeeper** shall mean the person appointed as pound keeper by the council of the municipality;
- h) **pound** shall mean such premises and facilities as may be designated by council, from time to time, as the pound;
- i) **running at large** shall mean off the premises and boundaries of the land occupied by the owner, possessor or harbourer or beyond the boundaries of any lands where the dog may be with the permission of the owner or occupier of the lands and is not under control by being tied or secured to a leash or chain or other similar restraining device not exceeding two meters in length.

### **3. Licensing**

- 3.01 Every person in the municipality who owns, possesses or harbours a dog over 3 months old shall obtain a license from the Town Office.
- 3.02 The license shall be in effect for the life of the dog, and shall be obtained within 20 days of taking possession of the dog.
  - a) The license fee shall be according to a schedule as "Appendix A"
- 3.03 No person shall harbor, keep or have in his possession in or about his dwelling unit, more than three (3) dogs. A person residing in the Town who has more than three (3) dogs is guilty of an infraction of this Bylaw.
- 3.04 Every person whom a license has been issued under this bylaw shall cause his or her dog to wear a collar to which shall be attached the license tag issued by the municipality pursuant to this bylaw.
- 3.05 A person residing in the municipality, who owns, possesses or harbours a dog mentioned in this bylaw, and neglects or refuses to take out a license therefore shall be deemed guilty of an infraction of this bylaw.
- 3.06 A license issued pursuant to this section is non-transferable and non-refundable.

**4. At Large**

4.01 No dog shall run at large in the municipality.

4.02 A person who owns, possesses or harbours a dog found running at large shall be deemed guilty of an infraction of this bylaw.

4.03 Any person may take any dog found running at large contrary to the provisions of this bylaw to the municipal pound, where it shall be kept for seventy two (72) hours which shall not include statutory holidays and weekends unless the owner, possessor or harbourer redeems the animal by paying at the Administration office a fine in the amount of \$100.00 in addition to \$80.00 for the care and keep of each animal.

4.04 The designated municipal officer (administrator, pound keeper) may sell any animal which is not redeemed within 72 hours for a sum of not less than the amount required to redeem the dog under section 4.03.

4.05 The designated municipal official (administrator, pound keeper, etc.) or person designated by the clerk/pound keeper, etc. may destroy any dog which has not been redeemed within 72 hours.

**5. Defecation**

5.01 Where a dog has defecated on public property, a private property, without consent of the owner of the property, the Owner of the dog shall immediately remove the defecation.

5.02 An owner of a dog shall remove the dog's defecations from the Owner's property, and shall dispose of the defecation in a sanitary manner.

**6. Female Dogs**

6.01 An owner of a non-sterilized female dog shall keep the dog indoors at all times during the period the dog is in heat.

**7. Dog Runs**

- 7.01 Where a dog is housed or kept in a dog run, the Owner shall ensure that the dog run is kept in a sanitary condition protecting the health and safety of the dog and any other living being.
- 7.02 An Owner shall ensure a dog run on the Owner's property is 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.
- 7.03 An Owner shall ensure that a dog run on the Owner's property is constructed of material of sufficient strength and in a manner adequate to:
- a) Confine the dog; and
  - b) Prevent the entry of children of tender years.
- 7.04 In, in the opinion of an Animal Protection Officer the condition or location of a dog run is not in accordance with this Bylaw, the Animal Protection Officer may order the owner of the property on which the dog run is located, to clean, alter, demolish or relocate the dog run within the time period specified in the order.
- 7.05 The person to whom an order is issued pursuant to subsection (1) shall comply with the order within the time specified in the order.
- 7.06 An order to relocate a dog run issued pursuant to subsection (1) will allow the owner of the property on which the dog is located, at least 30 days to relocate or remove the dog run.

**8. Detainment and Release**

- 8.01 Where the Director has received a dog whose Owner is known, the Director shall, within 24 hours, provide notice to the Owner of the fact of the dog's detainment and the amount required to be paid, as per schedule "A", in order for the dog to be released.
- 8.02 Notice in subsection (1) may be given by telephone or in writing.
- 8.03 An Owner or Owner's agent may claim a detained dog by attending the Animal Shelter and providing the Director with proof of ownership or entitlement to the dog.
- 8.04 The Director shall not release a detained dog unless the:

- a) Person claiming the dog can satisfy the Director that he or she is the Owner or the person entitled to possession of the dog; or
- b) Director has received the detainment fee as set out in Schedule "A".

8.05 A dog may be considered to be relinquished to the Animal Shelter when a dog:

- a) Detained at the Animal Shelter, whose Owner is unknown, is not claimed and released within 72 hours from the time the dog was received at the Animal Shelter;
- b) Detained at the Animal Shelter, whose Owner is known, is not claimed and released within 72 hours from the time the dog was received at the Animal Shelter; or
- c) Is surrendered to the Animal Shelter by its Owner.

8.06 The time requirements in subsection (1) do not include days during which the Animal Shelter is not open to the public.

8.07 Where a dog has been relinquished to the Animal Shelter, the Director may:

- a) Make the dog available for public adoption; or
- b) Destroy the dog by humane means.

## **9. Appointment of Designated Officers**

9.01 The director and animal protection officer employed by the Regina Humane Society Inc. shall be designated officer for the purposes of this bylaw.

## **10. Dangerous Dogs**

10.01 No owner shall possess or harbour a dangerous dog within the Town of White City.

## **11. Penalties**

11.01 Every person who contravenes or fails to comply with any provision of this Bylaw, is guilty of an offence and liable on summary conviction to:

- a) A fine in the amount set out in Schedule A; or
- b) Where a fine is not specified, to a fine of up to \$10,000 in the case of an individual, or as decided by a Judge.

**12. Voluntary Payments**

12.01 Where the Designated Officer believes that a person has contravened any provision of this Bylaw, he may serve upon such person a Bylaw Violation Notice as provided by this section either personally or by mailing or leaving the same at his last known address and such service shall be adequate for the purpose of this Bylaw.

12.02 Such notice shall be deemed to have been served:

- a) on the expiration of twenty-four hours after it is posted, if the notice is mailed;
- b) on the day of actual delivery if the notice is served personally; or
- c) on the business day following the transmission, if given by facsimile.

12.03 A Bylaw Violation Notice shall be such form as determined in Schedule "B" and shall state the section of the Bylaw, which was contravened, and the amount, which is provided in Schedule "A" that will be accepted by the Municipality in lieu of prosecution.

12.04 Upon production of a Bylaw Violation notice issued pursuant to this section within thirty (30) days from issue thereof, together with the payment of the fee as provided in Schedule "A" to the Administrator of the Municipality, the person to whom the ticket was issued shall not be liable for prosecution for the contravention in respect of which the ticket was issued.

12.05 Where any person contravenes the same provision of this Bylaw two or more times within one twelve month period, the specified payment payable in respect of the second or subsequent contravention is double the amount shown in Schedule "A" of this Bylaw in respect of that provision.

12.06 Notwithstanding the provisions of this section, a person to whom a Bylaw Violation Notice has been issued pursuant to this section may exercise his right to defend any charge of committing a contravention of any of the provisions of this Bylaw.

13. Bylaw 439-05 is hereby repealed.

\_\_\_\_\_  
Mayor

[SEAL]

\_\_\_\_\_  
Administrator

Read a third time and adopted  
This \_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Administrator

## SCHEDULE "A"

### LICENSE FEES

For each sterilized & non-sterilized dog (male or female) over 3 months of age: \$25.00

### POUND CHARGES

Impoundment Charge: \$80.00  
(Payable to Regina Humane Society)

### VOLUNTARY PAYMENT, WITHIN 30 DAYS OF INFRACTION

<u>Bylaw Section</u>	<u>Bylaw Description</u>	<u>Amount</u>
3.	No License	\$100.00
3.	More than three dogs	\$100.00
4.	Running at large	\$100.00
5.	Failure to Remove Defecation	\$100.00
10.	Dangerous Dog	\$100.00

**SCHEDULE "B"**  
**BYLAW VIOLATION NOTICE**

TOWN OF WHITE CITY  
BYLAW VIOLATION NOTICE

Reference No. \_\_\_\_\_

Name	
Address	

This official notice is issued for alleged breach of the following bylaw:

Bylaw No.	
Section #	
Offence	
Voluntary Payment	

DETAILS OF ALLEGED BREACH OF VIOLATION:

- Date and time of violation: \_\_\_\_\_
- Location of violation: \_\_\_\_\_  
\_\_\_\_\_
- Other particulars – description of animal: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PENALTY:

Take notice that you may remit a voluntary payment to the Town of White City in the amount stipulated above to avoid prosecution for this offence.

Payment may be made in person at the municipal office or by mail to:

Town of White City  
Box 220, Station Main

