

**CITY OF Warman
BYLAW NO. 2013 – 27
ANIMAL CONTROL BYLAW**

A BYLAW OF THE CITY OF WARMAN TO LICENCE, REGULATE, CONTROL AND PROHIBIT THE OWNERSHIP AND POSSESSION OF CERTAIN ANIMALS WITHIN THE CITY LIMITS OF WARMAN.

WHEREAS it is recognized that a well-cared for animal can provide companionship for its owner;

AND WHEREAS it is also recognized that some animals may create a nuisance for neighbouring properties;

AND WHEREAS City Council considers it to be in the best interest to pass a bylaw which balances these benefits and nuisances;

NOW THEREFORE, the Council of the City of WARMAN, in the Province of Saskatchewan, enacts as follows:

PART I - GENERAL

1. SHORT TITLE:

This Bylaw may be cited as "The Animal Control Bylaw."

2. DEFINITIONS:

- (a) "**ANIMAL**" includes dogs, cats and all other domestic animals.
- (b) "**ANIMAL CONTROL OFFICER**" means any person appointed by Council for the purpose of bylaw enforcement, and any other person or agency appointed by Council to restrain, receive or impound dogs.
- (c) "**ANNUAL LICENCE**" means an exterior metal tag which shall be affixed to the collar of a cat or dog, and which includes a registered identification number contained in the City cat and dog licence records.
- (d) "**BEES**" means any of certain insects, which store up the pollen of flowers for food or that makes honey and wax.
- (e) "**BOARDING, KENNEL**" means the temporary accommodation of dogs or cats for commercial purposes.
- (f) "**BYLAW ENFORCEMENT OFFICER**" means any person appointed by the Council to enforce the provisions of this Bylaw.
- (g) "**CAT**" means either the male or female of the feline family, immediately after it is weaned.
- (h) "**CERTIFICATE OF LICENCE**" is the receipt issued by the City for payment of the prescribed licence fee, which shall be prima facie evidence of the issuance of a licence.
- (i) "**CITY**" means the City of Warman in the Province of Saskatchewan.
- (j) "**COUNCIL**" means the Council of the City of Warman.
- (k) "**DANGEROUS DOG**" means any dog, whatever its age, whether on public or private property which has without provocation; bitten a person or persons whether on the property of owner or not
 - done any act to injure a person or persons whether on the property of the owner or not;
 - chased or otherwise threatened a person or persons whether on the property of owner or not, unless the person chased or threatened is a trespasser on the property of the owner;
 - caused damage to property or bitten other domestic animals.
- (l) "**DOG**" means either the male or female of the canine family, immediately after it is weaned.
- (m) "**FUR BEARING ANIMAL**" means members of the Mustelidae family which includes mink, weasel, skunk, and all other members of this family, or members of the Chinchilla Laniger family which includes chinchillas and all other members of this family, or members of the Leporidae family which includes rabbits, hares and all other members of this family, or all members of the Canidae family, exclusive of the domestic dog.
- (n) "**JUDGE**" means a judge of the Provincial Court of Saskatchewan or a justice of the peace.
- (o) "**LIVESTOCK**" means cattle, goats, horses, llamas, alpacas, sheep or swine.
- (p) "**MANAGER**" means the City Manager for the City of Warman, or any person authorized to act on his or her behalf.
- (q) "**MEDICAL HEALTH OFFICER**" means a medical health officer appointed under the Health Services Act or Public Health Act.
- (r) "**OWNER**" means any person owning, possessing, harbouring or having charge of or control over any cat or dog, or who permits any cat or dog to remain about his or her residence or premises located within the limits of the City.

- (s) "PET LICENSING VENDOR" means any person or organization authorized by Council to issue dog and cat licences.
- (t) "PERSON" means an individual, partnership, association or corporation.
- (u) "POUND KEEPER" means that person appointed by the Council for the purpose of this Bylaw to impound cats and dogs.
- (v) "POULTRY" means chickens, ducks, geese, turkeys, pheasants, partridge, pigeons, grouse, or pea-fowl.
- (w) "RUNNING AT LARGE" means being found beyond the boundaries of the property, which are either:
 - i. occupied by the dog owner, or
 - ii. where the dog may be with the permission of the owner or occupant of the said land;
 And when the dog is not under control by being either:
 - a) securely fastened by a metal or leather or rope leash which is not more than one and one-half (1 1/2) metres in length and which is attached to the collar so that it cannot roam at will, or
 - b) securely confined within an enclosure.

3. SEVERABILITY:

If any section, subsection, sentence, clause, phrase or other portion of this Bylaw is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the Court shall not affect the validity of the remaining portions of the Bylaw.

4. NOTATIONS:

Explanatory notes included in this Bylaw are intended to assist in the interpretation of the provisions, but shall not derogate from any powers or duties created or imposed by the Bylaw.

5. QUARANTINE OF SICK ANIMALS:

Notwithstanding any other provision of this Bylaw, where any cat or dog is suspected of having rabies or other life-threatening disease it shall be isolated and may not be claimed, destroyed or otherwise disposed of except after notice to the Medical Health Officer for the City and then only in compliance with the directions of the Medical Health Officer.

6. LIABILITY:

No liability whatsoever shall attach to the City, the Bylaw Enforcement Officer, Animal Control Officer, Pound Keeper, Peace Officer or other person acting under this Bylaw and in good faith, arising out of the capture, seizure, restraining, impounding, failure to contact the owner, sale or destruction of any cat or dog.

PART II - LICENCES:

1. DOGS and CATS:

- (a) Every owner of a dog or cat within the City shall forthwith obtain a permanent licence from the City.

2. GENERAL LICENCE CONDITIONS:

- (a) When applying for a licence, the owner shall supply the City with a description of the cat or dog, the name and address of the owner, and any other relevant information which may be required by the City.
- (b) Every owner of a cat or dog within the City shall on demand by the Animal Control Officer, Bylaw Enforcement Officer, Pound Keeper or Peace Officer, show his or her licence or other evidence that he or she has paid the fee as provided for in this Bylaw.

- (c) Any person who operates a retail outlet in the business of breeding, boarding or selling cats or dogs, or who operates a kennel for dogs shall not be required to licence and register each cat or dog provided, however, they have:
 - i. Obtained a business licence from the City of Warman.
 - ii. Maintain proper books for the recording of cats or dogs raised, boarded or sold.
 - iii. Once a cat or dog has reached the age of six (6) months, a licence must be obtained from the city of Warman.
- (d) A licence issued is not transferable to any other cat or dog.
- (e) A licence fee paid pursuant to this Bylaw shall not be refundable to the owner on disposal or demise of the cat or dog.

4. PERMANENT LICENCE:

- (a) A permanent licence, when so obtained, shall be valid from the date thereof and until the owner of the cat or dog ceases to reside in the City or until the owner disposes of the cat or dog.

PART III - REGULATION OF ANIMALS:

1. DUTIES OF OWNER

A person who has ownership, possession or control of an animal:

- (a) shall ensure that the animal has an adequate source of food and water;
- (b) shall provide the animal with adequate medical attention when the animal is wounded or ill;
- (c) shall provide the animal with reasonable protection from injurious heat or cold; and
- (d) shall not confine the animal to an enclosure or area:
 - i. with inadequate space,
 - ii. with unsanitary conditions,
 - iii. with inadequate ventilation, or
 - iv. without providing an opportunity for exercise, so as to significantly impair the animal's health and well being.

2. ANIMALS:

- (a) No owner of an animal shall permit the animal to be or become a nuisance by barking or howling or by making any other offensive noise to the annoyance or discomfort of any person at any time of the day or night. For the purpose of this section, an animal is creating a disturbance if a person not situated on the property where the animal is located can easily hear the disturbance.
- (b) No owner shall allow his or her animal to be running at large in City, and when an animal is found to be running at large its owner shall be deemed to have failed or refused to comply with the requirements of this Bylaw, and is guilty of an infraction thereof.
- (c) On a complaint made in writing to the Animal Control Officer, Bylaw Officer or Peace Officer that any animal has been causing a disturbance, the Animal Control Officer, Bylaw Officer or Peace Officer, upon being satisfied of the truth of the complaint, may notify the owner of such animal to abate the nuisance within 48 hours after receipt of the notice. The notice shall be in writing and shall be served personally upon the owner or left with some adult person at the residence of the owner. Failure to comply with the terms of the notice shall be a breach of the bylaw.
- (d) Upon receiving a second or subsequent complaint within 30 days after the expiry of the 48 hour period set out in a notice under subsection (c), the Animal Control Officer, Bylaw Officer or Peace Officer may order the owner to remove the animal from the City or deliver the animal to the Animal Control Officer, Bylaw Officer or Peace Officer within 48 hours after receipt of the notice. Such notice shall be provided in the manner set out in subsection (c). In the event that the

notice requires the animal to be delivered up to the Animal Control Officer, Bylaw Officer or Peace Officer and the animal is not so delivered, the Animal Control Officer, Bylaw Officer or Peace Officer may enter on the property of the owner for the purpose of removing such animal.

- (e) No owner of an animal shall fail to immediately remove any defecation of the animal from private or public property, other than the property owned or occupied by the owner.
- (f) No owner of an animal shall fail to dispose of all defecation from the animal whether located on the owner's property or otherwise, in a sanitary manner so as to prevent odor and sanitation complaints.
- (g) Every female cat or dog in heat shall be confined to a house or enclosure by the owner.
- (h) No person shall allow a cat or dog off leash in any public areas within City boundaries except as defined in the Off Leash Dog Area.
- (i) No household within the City shall harbor or keep more than five (5) animals within the City Boundaries. This is a total combination of dogs and cats.

OTHER ANIMAL PROHIBITION:

- (a) No person shall keep or cause to be kept, livestock, fur bearing animals, poultry or bees within the City.
- (b) Notwithstanding subsection (a), a person shall be permitted to keep one breeding pair of rabbits as pets and any unweaned offspring.

3. DOG RUNS:

- (a) 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:
 - (i) confine the dog; and
 - (ii) prevent the entry of children of tender years.
- (b) A dog run should be 2 meters or 6 feet in height and the owner must ensure the enclosure inhibits the dog from escaping by digging, by going below the ground 1 meter with wire fencing which projects inward towards the pen.
- (c) A dog run shall be kept, at all times, in a sanitary condition and the removal and disposition of all refuse shall be done in a regular and sanitary manner.

4. INTERFERENCE:

No person shall:

- (a) Untie, loosen or otherwise free an animal which has been tied or otherwise restrained;
- (b) Negligently or willfully open a gate, door or other opening in a fence or enclosure in which an animal has been confined and thereby allow an animal to run at large in the City;
- (c) Tease, entice, bait or throw objects at a dog confined within its owner's property

5. ANIMAL IN DISTRESS

For the purpose of this Bylaw, an animal is in distress if it is

- (a) subjected to the conditions that, unless immediately alleviated, will cause the animal death or serious harm;
- (b) subjected to conditions that cause the animal to suffer acute pain;
- (c) not provided food and water sufficient to maintain the animal in a state of good health;
- (d) not provided appropriate medical attention when the animal is wounded or ill; unduly exposed to cold or heat; or

- (e) subjected to conditions that will, over time, significantly impair the animal's health or well being, including;
 - (i) confinement in an area of insufficient space,
 - (ii) confinement in unsanitary conditions,
 - (iii) confinement without adequate ventilation,
 - (iv) not being allowed an opportunity for adequate exercise, and
 - (v) conditions that cause the animal extreme anxiety or distress.

PART IV - SEIZURE, IMPOUND AND DESTRUCTION OF ANIMALS:

1. SEIZURE OF CATS:

- (a) When a Bylaw Enforcement Officer, Animal Control Officer or Peace Officer observes or receives a complaint of a cat causing a nuisance, they may:
 - (i) seize and impound any cat found causing a nuisance.
 - (ii) issue an animal trap to any person for placement on their property, upon execution of the animal trap agreement as set out in Schedule "E" of this Bylaw.
- (b) When a trap is issued pursuant to this Bylaw, the complainant shall:
 - (i) abide by the terms of the animal trap agreement;
 - (ii) personally check the trap each hour while the trap is set;
 - (iii) return the trap to the City undamaged within three days of issuance, unless extended by the Bylaw Enforcement Officer, Animal Control Officer or Peace Officer.
 - (iv) in the event a cat is trapped, immediately deliver the cat and trap into the custody of a Bylaw Enforcement Officer, Animal Control Officer or Peace Officer, who may seize and impound the cat.

2. SEIZURE OF DOGS:

- (a) Any dog found running at large contrary to the provisions of this Bylaw may be delivered by any person into the custody of a Bylaw Enforcement Officer, Animal Control Officer or Peace Officer.
- (b) A Bylaw Enforcement Officer, Animal Control Officer or Peace Officer may seize and impound any dog found running at large contrary to the provision of this Bylaw, whether or not such dog is licenced.
- (c) A Bylaw Enforcement Officer, Animal Control Officer or Peace Officer may, in the seizure of dogs found running at large,
 - (i) pursue said dog onto land surrounding any building.
 - (ii) use lasso and snare ropes or nets to restrain said dog.
 - (iii) use a tranquillizer gun under the direction of a veterinarian, to tranquillize said dog.
 - (iv) issue an animal trap to any person for placement on their property, upon execution of the animal trap permit agreement as set out in Schedule "E" of this Bylaw.

3. IMPOUND OF CATS AND DOGS:

- (a) Any cat or dog seized under the provisions of this Bylaw shall be confined in an animal pound maintained by the Pound Keeper or Veterinarian.
- (b) No person whether or not he or she is the owner of the cat or dog, shall:
 - (i) interfere with or attempt to obstruct a Bylaw Enforcement Officer, Animal Control Officer or Peace Officer who is attempting to seize or who has seized any cat or dog pursuant to this Bylaw.
 - (ii) remove or attempt to remove any cat or dog from any pound which has been seized and impounded pursuant to this Bylaw.
- (c) All cats and dogs seized pursuant to this Bylaw shall be impounded at the animal pound for a period of three (3) days, excluding the day of impounding. Saturdays, Sundays and statutory holidays shall not be included in the computation of the three (3) day period.

- (d) Following seizure of a cat or dog, the owner may at any time during the three day impound period, reclaim the cat or dog by making payment to the City Office in advance of the release of the cat or dog, of the impound fee and the housing fee as set out in Schedule "A" of this Bylaw.
- (e) The Bylaw Enforcement Officer, Animal Control Officer or Peace Officer shall immediately advise the Manager of any cat or dog seized under this Bylaw, by completing the notice of animal seizure, as set out in Schedule "G" of this Bylaw.
- (f) Where a cat or dog who has a valid licence has been impounded, the Bylaw Enforcement Officer, Animal Control Officer or Peace Officer as the case may be, shall make a reasonable effort to notify the owner at the address as shown in the licence records.
- (g) No unlicensed cat or dog which has been seized or impounded shall be released to its owner or to any other person, until the impound fee and housing fee have been paid and a licence has been purchased for it.
- (h) Any owner who provides reasonable proof of ownership of a cat or dog which has been seized or impounded, and who pays the impound fee, housing fee and licence fee, shall be entitled to redeem said cat or dog provided however, that the cat or dog has not been destroyed, sold or otherwise disposed of pursuant to this Bylaw.

4. DESTRUCTION OF CATS AND DOGS:

- (a) Where a cat or dog which has been seized and impounded is not claimed by the owner within three (3) days as set out in this Bylaw, or where the owner has failed or refused to comply with the terms of this Bylaw within the same period for the redemption of said cat or dog, the Manager may authorize the disposal of said cat or dog as set out in Schedule "H" of this Bylaw.
- (b) The disposal of unclaimed or unredeemed cats and dogs shall be by either the:
 - (i) sale at an amount sufficient to cover the impound fee, housing fee and any other costs, or
 - (ii) humane destruction by a competent person.
- (c) Where a cat or dog is injured before or after being seized or in the opinion of the Animal Control Officer, Pound Keeper, or Peace Officer, should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Animal Control Officer, Pound Keeper or Peace Officer may destroy the cat or dog in a humane manner as soon after seizure as he or she may determine without permitting the owner to reclaim or redeem said cat or dog or without offering for sale.
- (d) The City shall keep an accurate record of all cats and dogs seized and destroyed under the provisions of this Bylaw for a period of one year, as set out in Schedule "G" and Schedule "H" of this Bylaw.

PART V - PENALTIES:

1. GENERAL OFFENSE PROVISION:

- (a) Conviction of a person for breach of any provision of the Bylaw does not relieve him/her from compliance with the Bylaw, and the convicting Justice of the Peace or Judge of the Provincial Court may, in addition to any fine imposed, order the person to perform, within a specified period, any act or work necessary for the proper observance of this Bylaw or to remedy any breach thereof.
- (b) Any person who fails within the period specified in an Order under Subsection (a) to comply with the Order is guilty of an offence and liable upon summary conviction to a fine of \$400.00 for each day during which the breach continues.

2. NOTICE OF VIOLATION:

The notice of violation of an offense under this Bylaw shall be the certificate of offense as set out in Schedule "B" of this Bylaw.

3. SCHEDULE OF OFFENSES:

Notwithstanding Section I of this Part, any person who contravenes the following provisions of this Bylaw or who fails to comply with any order or notice given thereunder, is guilty of an offense and shall be liable on summary conviction to the penalties as set out in Schedule "B" of this Bylaw.

4. VOLUNTARY PAYMENT TO AVOID PROSECUTION

- (a) Where an Animal Control Officer or Peace Officer believes that a person has contravened any provision of this Bylaw, he may serve upon such person a Bylaw Violation Notice Schedule "B" as provided by this section either personally or by mailing or leaving same at his last known address and such service shall be adequate for the purpose of this Bylaw
- (b) A Violation Notice Ticket shall be in 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 "B" that, will be accepted by the City in lieu of prosecution.
- (c) Upon production of a Violation Notice Ticket issued pursuant to this section within thirty (30) days from the issue thereof, together with the payment of the fee as provided in Schedule "B" to City Hall, 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.

5. LIABILITY FOR OFFENSE:

Any person charged with an offense under this Bylaw shall be liable on summary conviction for the penalties provided, notwithstanding that the cat or dog in connection with which the offense was committed has been seized, impounded, sold, destroyed or otherwise disposed of.

6. SERVICE OF NOTICE OF VIOLATION:

- (a) Where a Bylaw Enforcement Officer, Animal Control Officer or Peace Officer believes that any provision of this Bylaw has been contravened by a person, he or she may by personal service, serve or cause to be served upon such person a notice of violation as provided for in Section 2 of this part.
- (b) A person to whom a notice of violation is being issued under this Bylaw, shall provide upon request by the issuer, his or her name, address, date of birth and any other such information as may be relevant.

PART VI - BYLAW ADMINISTRATION

1. APPOINTMENT OF OFFICIALS:

- (a) Bylaw Enforcement Officer(s) and Animal Control Officer(s) as set out in Schedule "C" of this Bylaw are hereby appointed and authorized to enforce the provisions of this Bylaw and any amendments thereafter.
- (b) The Pound Keeper(s) as set out in Schedule "C" of this Bylaw are hereby appointed to maintain a pound for the impoundment of cats and dogs seized pursuant to the Bylaw and any amendments thereafter.
- (c) The Boarding Kennel(s) as set out in Schedule "C" of this Bylaw are hereby appointed to provide a temporary shelter in which any cats or dogs impounded under this Bylaw may be lodged until they can be transported to the pound facility specified by the City.
- (d) The Pet Licensing Vendor(s) as set out in Schedule "C" of this Bylaw are hereby appointed to issue annual licences for cats and dogs.
- (e) Bylaw Enforcement Officer(s) and Animal Control Officer(s) appointed by the City, may represent the City before a Justice of the Peace or a Judge of the Provincial Court of Saskatchewan in prosecution of anyone who is charged with a contravention of this Bylaw and any amendments thereafter.

2. PROHIBITED DOGS

No ownership of a dog is permitted where:

- (a) has been declared dangerous pursuant to the Cities Act governing legislation;

3. NUISANCE PROHIBITED

- (a) No owner of a dog shall permit or allow the dog to become a nuisance to other persons or animals.
- (b) The behavior of a dog which constitutes a nuisance includes, but is not limited to, the following:
 - (i) running at such a distance from its owner, so as to be incapable of responding to voice or sight commands;
 - (ii) doing any act that injures a person or another animal;
 - (iii) chasing or threatening a person or another animal;
 - (iv) biting, excessive barking or otherwise disturbing any person or other animal; or
 - (v) causing damage to property.

PART VII – DANGEROUS ANIMALS

For the purpose of this Section, an animal is presumed not to have been provoked, in the absence of evidence to the contrary.

1. AN ANIMAL IS DANGEROUS WHERE IT IS PROVED THAT:

- (a) the animal, without provocation, in a vicious or menacing manner, chased or approached a person or domestic animal in an apparent attitude of attack;
- (b) the animal has a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise threaten the safety of persons or domestic animals;
- (c) the animal has, without provocation, bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal;
- (d) the animal is owned primarily or in part for the purpose of animal fighting or is trained for animal fighting.

2. EXEMPTION FOR GUARD DOGS

No dog shall be considered dangerous where an action described in clause 1(a),(b),(c) or (d) occurred while the dog was:

- (a) Acting in the performance of police work; or
- (b) Working as a guard dog on commercial property:
 - (i) 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
 - (ii) defending that property against a person who was committing an offense.

3. FIGHTING DOGS CONSIDERED DANGEROUS

Notwithstanding the generality of Section 1, a dog is dangerous where it is proved that the dog is owned primarily or in part for the purpose of dog fighting or is trained for dog fighting.

4. DANGEROUS ANIMAL HEARINGS

- (a) 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.
- (b) Notice of the hearing referred to in subsection (a) shall be served upon the owner of the animal. The notice shall be served:
 - (i) In the case of an owner who is an individual:
 - by delivering it personally to the owner; or
 - 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;
 - (ii) in the case of an owner that is a corporation:
 - by sending it by registered mail to the registered office of the corporation; or
 - 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.
- (c) 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 to hear and determine the proceedings in the absence of the owner as fully and effectively as if the owner had appeared.
- (d) 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:
 - (i) 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 12 and keep it under direct control and supervision;
 - (ii) The owner shall inoculate the animal against rabies in accordance with the provisions of Section 13
 - (iii) The owner shall report the sale or other disposition of the animal to a designated officer appointed pursuant to Section 19
 - (iv) Where the animal is moved to a different city or municipality, the owner shall notify the clerk of that city or municipality;
 - (v) Where the animal is to be sold or given away, the owner shall:
 - notify any prospective owner that the animal has been declared dangerous, before it is sold or given away; and
 - notify a designated officer appointed pursuant to Section 19 of the name, address and telephone number of any new owner of the animal;
 - (vi) 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;
 - (vii) the owner shall have the animal micro chipped in accordance with Section 14
- (e) An order pursuant a dangerous animal may also include any or all of the following terms:
 - (i) The owner shall keep the animal in an enclosure which complies with the criteria prescribed in Section 15
 - (ii) 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;
 - (iii) The owner shall display a sign, which complies with the criteria prescribed 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;
 - (iv) The owner shall have the animal spayed or neutered;
 - (v) The owner shall take such other measures as the judge considers appropriate

- (f) 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.
- (g) Where an order has been made pursuant to subsection 1 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.
- (h) On an application pursuant to subsection (g), the judge may waive compliance with clause 1(ii), 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.
- (i) 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.

5. OFFENCES AND PENALTIES

- (a) 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.
- (b) Any person who fails to display 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 4I or has not received the permission of the City to display the sign is guilty of an offence.
- (c) Any person who does not comply with any part of an order made against him or her pursuant to subsection 4(d), I or (f) is guilty of an offence.
- (d) 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.
- (e) A person who is guilty of an offence pursuant to this Section is liable on summary conviction:
 - (i) In the case of an individual, to a fine not exceeding \$10,000.00, or imprisonment for not more than one year, 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.
- (f) In addition to imposing the penalty under subsection 1, the convicting judge shall make an order embodying the requirements of subsection 4(d).
- (g) An order pursuant to subsection (f) may also include the requirements of subsection 4I.
- (h) Notwithstanding subsection (f), 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.
- (i) A person desiring to appeal an 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.

6. ORDER BINDS SUBSEQUENT OWNER

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 municipality or City.

7. EXECUTION OF DESTRUCTION ORDER

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

8. RETURN OF ANIMAL

- (a) 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
- (b) After a period of one year after a dog has been deemed to be ordered a “dangerous dog” as defined in Section (1) hereof, the owner may apply to the Animal Control Officer for an Order declaring the dog to no longer be deemed dangerous. This Order can only be granted after a hearing during which the owner shall have the onus of proving the following:
 - (i) That the City was provided with at least two weeks written notice of the hearing;
 - (ii) That the dog did not during the preceding twelve months:
 - (iii) Bite a person or persons whether on the property of the owner or not;
 - (iv) Do any act to injure a person or persons whether on the property of the owner or not;
 - (v) Chase or otherwise threaten a person or persons whether on the property of the owner or not, unless the person chased or threatened is a trespasser on the property of the owner;

9. DESTRUCTION BY PEACE OFFICERS

- (a) 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. 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.

10. ENTRY AND SEARCH

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 327 of *The Cities Act*.

11. CHARGES MAY BE ADDED TO PROPERTY TAXES

- (a) If a person owes the City for costs incurred by the City with respect to a dangerous animal, the City 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 subsection (a), the amount:
 - deemed for all purposes to be a tax imposed pursuant to *The Cities Act* from the date it was added to the tax roll; and
 - forms a lien against the parcel of land in favour of the city from the date it was added to the tax roll.

12. CRITERIA FOR MUZZLE AND LEASH FOR DANGEROUS ANIMALS

- (a) 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:
 - (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 meters in length and shall be constructed
 - (iv) The muzzle on the animal shall be properly fitted on the animal to prevent it from biting any animal or person;

The muzzle shall be fitted on the animal in a manner that it will not interfere with the vision or respiration of the animal.

13. INOCULATION OF ANIMALS

- (a) 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 dog has been inoculated
- (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 subsection (a) until the expiration of 12 months from the date of inoculation of the animal or as otherwise recommended in writing by a licence veterinarian
- (c) The owner of an animal shall have the animal inoculated within each 12 month period following the inoculation mentioned in subsection (a) or (b), or as may otherwise be recommended in writing by a licenced veterinarian during the lifetime of the animal.

14. MICRO CHIPPING OF DANGEROUS ANIMALS

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 micro chipped by the Pound keeper or a Veterinarian.

15. ENCLOSURES FOR DANGEROUS ANIMALS

- (a) If a judge orders pursuant to clause 41(i) 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:
 - 1. Confine the animal; and
 - 2. Prevent the entry of children of tender years;
 - (ii) 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;
 - (iii) The enclosure shall be at least 3 meters in length, 1.5 meters in width and 1.8 meters in height;
 - (iv) The enclosure shall have a top secured to the sides of the enclosure;
 - (v) The enclosure shall:
 - Have a floor secured to the sides of the enclosure; or
 - The sides of the enclosure shall be embedded in the ground to a depth of at least .6 meters;
 - (vi) The enclosure shall:
 - Provide protection from the elements for the animal;
 - Provide adequate light and ventilation for the animal; and
 - Be kept in a sanitary and clean condition

16. SIGNS

- (a) 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 Schedule "I".
- (b) A sign required by subsection (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 subsection (a) shall be clearly visible and capable of being read from any adjacent public road.

17. QUARANTINE OF ANIMALS

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 observation for symptoms of rabies for a period of not less than ten days in accordance with the *Animal Disease and Protection Act* (Canada).

18. RABIES TEST OF ANIMALS

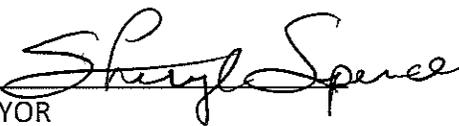
Every person who destroys an animal following the non-fatal biting of a person or domestic animal, whether the destruction is pursuant to an order of a judge or court or at the decision of the owner of the animal, shall, if the destruction is carried out before the completion of the quarantine period mentioned in Section 17, retain the head of the animal in possession of the head of an animal to be tested for rabies.

19. APPOINTMENT OF DESIGNATED OFFICERS

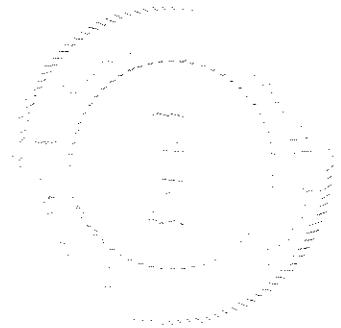
- (a) The Poundkeeper and the Animal Control Agency shall be designated officers for the purposes of this Bylaw
- (b) The Poundkeeper and the Animal Control Agency are authorized to delegate enforcement of this Bylaw to City employees.

This Bylaw shall come into force and take effect on the date of final passage thereof.

20. BYLAW 2004-13 IS HEREBY REPEALED


MAYOR


CITY CLERK



Read a third time and adopted this 28th day of October, 2013

SCHEDULE OF FEES

SCHEDULE "A"

Permanent Licence Fee	\$25.00
Impound Fee	\$25.00
Housing Fee (for each day or part thereof kept at the pound)	\$50.00

SCHEDULE "B"

SCHEDULE OF OFFENSES

Offence	First Offence	Second Offence	Subsequent Offence
No Dog Licence	\$50.00		
No Cat Licence	\$50.00		
Failure to attach a valid licence tag when cat or dog is off the premises of owner.	\$50.00		
Dog Running at Large	\$50.00	\$100.00	\$200.00
Cat Running at Large	\$50.00	\$100.00	\$200.00
Dog or Cat Causing Nuisance	\$100.00	\$200.00	\$300.00
Failure to Remove Defecation on Private or Public Property	\$200.00	\$300.00	\$400.00
Failure to Dispose of Defecation in Sanitary Manner	\$100.00	\$200.00	\$300.00
Cats or Dogs off Leash in Prohibited Areas	\$100.00	\$200.00	\$300.00
Tease or Throw Things at the Dog	\$50.00		
Failure to Keep a Dangerous Dog Muzzle Harnessed or Leashed Properly	\$400.00		
Failure to Inoculate Dangerous Dog Against Rabies	\$100.00		
Failure to Licence Dangerous Dog	\$200.00		
Failure to Keep Dangerous Dog Sign on Premises	\$400.00		
Without Provocation Attacks, Assaults, Wounds	\$400.00		
Bites or Injures a Person or Domestic Animal	\$500.00		
Encouraging Dog to Attack Persons or Animal	\$400.00		
Failing to Comply With Order to Destroy Dangerous Animal	\$400.00		

NOTE: The Provincial Victims of Crime Fine Surcharge shall be added to each penalty set out in this Schedule.

SCHEDULE "C"

BYLAW ENFORCEMENT OFFICER(S)

As appointed by Council by Resolution

ANIMAL CONTROL OFFICER

As appointed by Council by Resolution

BOARDING KENNEL

As appointed by Council by Resolution

PET LICENSING VENDOR

As appointed by Council by Resolution

POUND KEEPER

SPCA, Saskatoon

SCHEDULE "D"

City of Warman

Animal Licence

Date Issued: _____ Licence # _____

Owner Last Name: _____ Owner First Name: _____

Box # _____ Civic Address _____

Phone Home: _____ Work: _____ Cell: _____

Other Contact: _____ Phone: _____

Animal Name: _____ Date of Birth: _____

Color: _____ Breed: _____ Sex: M F

Distinguishing Features: _____

SCHEDULE "E"

ANIMAL TRAP AGREEMENT

Date: _____ Trap No. _____

The undersigned agrees to the following terms and conditions:

- to place the animal trap only on his or her property which is within the City of Warman;
- to personally check the animal trap each hour while the trap is set;
- in the event an animal is trapped, to immediately contact the Animal Control Officer to come and pick up the trap and animal. In the event that the Animal Control Officer is not available, the animal may be held for no longer than twenty-four (24) hours. Where an animal is held, the undersigned is responsible for the humane treatment and shelter of the animal including feeding and watering. A captured animal should be left in the trap and placed in a shed, garage, basement or other place that is warm, dry and secure with a blanket placed over the trap to pacify the animal. Do not attempt to remove an animal from the trap - this will be done by the Animal Control Officer. If the undersigned cannot comply with this condition, the trapped animal must be freed unharmed;
- to ensure that no harm comes to any trapped animal while in their possession including exposure to inclement weather;
- animal traps are not to be used when the temperature falls below -10 degrees Celsius or rises above 30 degrees Celsius;
- a Bylaw Enforcement Officer, Animal Control Officer or Peace Officer may enter the property of the undersigned to ensure the trap is being used properly;
- to advise the Bylaw Enforcement Officer, Animal Control Officer or Peace Officer of the ownership of any animal trapped, if known;
- to be responsible for the trap, including the cost of repair or replacement if damaged, lost or stolen;
- to set the trap only, when the Bylaw Enforcement Officer, Animal Control Officer or Peace Officer is available to pick up any trapped animal. Check with the officer prior to setting the trap;
- to ensure the trap is located safely away from where small children play, who may become injured if they are allowed to play around a set trap;
- if no animal is caught, the trap is to be returned to the Bylaw Enforcement Officer, Animal Control Officer or Peace Officer three days after issuance unless an extension has been granted.

SCHEDULE "F"

*** IT IS A CRIMINAL OFFENCE TO HARM ANY DOMESTIC ANIMAL ***

Address of intended location of trap: _____

I agree that if the trap is damaged or not returned to the City, as required by this agreement, that I will be billed for the cost of replacement of the trap, which, if not paid within 30 days, may be added to and form part of the property taxes of the land where the trap was used.

I understand and accept all liability which may arise in connection with the use of this animal trap while it is in my possession and will save and indemnify the City of Warman for all such liability.

Signature: _____

Name of complainant: _____

Address of complainant: _____

TRAP RETURNED:

Date: _____

Received by: _____

Remarks: _____

SCHEDULE "G"

NOTICE OF ANIMAL SEIZURE

Date of Seizure: _____ Time: _____

Location of Seizure: _____

Type of Animal: _____ Breed: _____

Colour/Markings: _____

Height: _____ Gender: _____

Other Features: _____

Owner Name (if known): _____

Licence No: _____

Animal Control Officer

This form shall immediately be completed by the Animal Control Officer upon seizure of an animal or dog, and shall be forthwith delivered to the City Hall.

A copy of this form when completed shall be retained by the City Hall for a period of one year.

SCHEDULE "H"

AUTHORIZATION FOR DISPOSAL

Type of Animal: _____ Breed: _____

Colour/Markings: _____

Height: _____ Gender: _____

Other Features: _____

I, _____, City Manager (or designated representative) claiming jurisdiction pursuant to the Animal Control Bylaw for the City of Warman, hereby authorize the disposal of the above described animal which has been seized and impounded pursuant to the Bylaw and which remains unclaimed or unredeemed. To my knowledge this animal has not bitten any person(s) in the past fourteen (14) days.

Day and Date of Impound: _____

Day and Date of Disposal: _____

Method of Disposal:

1 Sale To:
Name: _____
Address: _____
Fees Paid: \$ _____ Receipt No.: _____

2. Destruction By:
Name: _____
Occupation: _____
Method: _____

Dated: _____ Authorized Signature: _____

A copy of this form when completed shall be retained by the City Hall for a period of one year

WARNING



DANGEROUS DOG ON PREMISES