

# VILLAGE OF SAYWARD

## BYLAW NO. 340

A BYLAW TO REGULATE THE KEEPING OF ANIMALS AND ANIMAL NUISANCES, LICENCE DOGS AND PROVIDE FOR ANIMAL POUNDS WITHIN THE VILLAGE OF SAYWARD

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**NOW THEREFORE**, the Council of the Village of Sayward in open meeting assembled, enacts as follows:

### **PART 1 – CITATION**

1.1 This Bylaw may be cited for all purposes as the “Animal Control Bylaw No. 340, 2005”

### **PART 2 – INTERPRETATION**

2.1 In this Bylaw, unless the context otherwise requires:

“Animal” means any member of the animal kingdom, other than a human being.

“Animal Control Officer” means a person designated by Council as an animal control officer for the Village and includes all bylaw enforcement officers and the Chief Administrative Officer of the Village.

“At Large”

- a) when used in reference to a dog means any dog being elsewhere than on the lands and premises of the person having care, control and custody of the dog unless firmly attached to a leash held by a person competent to restrain the dog; and
- b) when used in reference to any other animal means being elsewhere than on the lands and premises of the person having care, control and custody of that animal.

“Cat” means any weaned animal of the domesticated feline species.

“Chief Administrative Officer” means the person appointed by Council, from time to time, as Chief Administrative Officer for the Village of Sayward, or his or her designated alternate.

“Council” means the Municipal Council of the Village of Sayward.

“Dangerous Dog”, in addition to the definition in the *Community Charter*, means a dog

- a) that according to the records of the Village, the Poundkeeper or the Police has injured or killed a human or animal, or has aggressively pursued or harassed a person or animal without provocation;

- b) that, to the knowledge of its owner, has killed or injured a person or animal or has aggressively pursued or harassed a person or animal without provocation;
- c) any dog with a known propensity, tendency or disposition to attack without provocation humans or animals or otherwise threaten the safety of persons or animals;
- d) is specifically bred or trained for fighting purposes

Notwithstanding the above, a dog shall not be determined to be a dangerous dog if the bite, attack or threat of attack was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was teasing, tormenting, abusing or assaulting the dog, or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the dog or was committing or attempting to commit a crime.

“Dog” means a weaned animal of the domesticated canine species.

“Dog Licence” means a licence that has been paid for by the owner of a dog over four (4) months of age and issued by the Village for the dog for the current licensing year.

“Guide Dog” means a dog used by the blind or otherwise disabled person to assist them with daily living and to avoid hazards and for which a certificate has been issued under the *Guide Animal Act*.

“Habitually Noisy Dog” means a dog that barks continuously for over 20 minutes and has done so on more than ten (10) separate occasions within a thirty day time period.

“Impoundment” means to seize and confine an animal and place it in the established pound.

“Incurable Disease” includes rabies, incurable injury, and mutilation, which could inevitably result in death.

“Kennel” means any building or structure in which three (3) or more dogs over the age of four (4) months are kept, harboured, trained, cared for, or bred, for remuneration or for the purposes of sale.

“Leash” means a chain, harness, line, thong or rope that is of sufficient strength to restrain the animal without breaking.

“Licencing Year” means from January 1 to December 31 in any year.

“Municipality” means the Village of Sayward.

“Off-leash area” means all lands described in Schedule ‘C’ attached to and forming part of this bylaw.

“Owner” means any person who is in possession of or who has the care, custody, and control of an animal, or in the case of a dog, any person whose name appears on the dog licence.

“Police” means a member of the Royal Canadian Mounted Police.

“Police Dog” means any dog owned by the Royal Canadian Mounted Police and which is trained to assist in police investigations.

“Pound” means the municipal pound established pursuant to this bylaw.

“Pound Keeper” means the person or persons from time to time appointed by the Council as the Animal Control Officer.

“Public Place” includes all highways, boulevards, parks or other real property owned, held, operated or administered by the Crown, Municipality, or by a School District within the Municipality.

“Unlicensed” means that a license under this bylaw has not been issued for the current year, or having been issued, means that the tag provided for under this bylaw has not been attached in accordance with this bylaw.

“Village” means the Village of Sayward.

“Wild or Exotic Animals” means any animal listed in Schedule ‘D’ forming part of this bylaw.

“Zoning Bylaw” means the Village of Sayward Zoning Bylaw No. 309, 2000 as amended or replaced from time to time.

### **PART 3 - GENERAL**

- 3.1 In the event of an outbreak or threatened outbreak of rabies in the Village, or any other disease affecting animals which may be transmitted to human beings, the Council may at any time, by resolution, order and direct that:
- (a) all animal owners shall securely tie their animals up, or otherwise effectively confine and prevent them from being at large in the Village, and
  - (b) all animals at large, whether licensed or not, shall be taken to the pound by the pound keeper and kept there until claimed, sold or destroyed, pursuant to Part 10.
- 3.2 No person shall keep any animal except a dog or cat outdoors on any property within the Village, other than on property zoned for agricultural use by the Zoning Bylaw. Except as otherwise provided in this bylaw, every animal shall be kept under the control of its owner or the owner’s agent at all times.
- 3.3 No person shall keep any livestock, horses, donkeys, or poultry on any property within the Village other than on property zoned for agricultural use by the Zoning Bylaw.
- 3.4 No person shall sell, display, house, harbour, or keep any wild or exotic animal within the boundaries of the Village

**PART 4 – LICENCING OF DOGS**

- 4.1 No person being the owner or occupier of a parcel of land shall cause or permit the keeping or harbouring on that parcel more than three (3) dogs over the age of four (4) months without holding a valid kennel licence issued under this bylaw in addition to obtaining dog licences for each of the dogs over the age of four (4) months as provided for in this Bylaw. No person may be issued a kennel licence in contravention of the Zoning Bylaw.
- 4.2 No person shall keep or permit to be kept on a parcel a dog over the age of four (4) months unless a dog licence has been obtained from the Municipality for that dog.
- 4.3 Every owner of a dog must in each licensing year apply for a dog licence by February 28 each year and pay the fee set out in Schedule 'A' and provide the name, breed, age, colour and sex of the dog and state whether the dog has been spayed or neutered.
- 4.4 A person who acquires a dog over the age of four (4) months must obtain a new dog license within fourteen (14) days, even if the dog was already licensed in the Municipality.
- 4.5 The issuance of dog licences are the responsibility of the Chief Administrative Officer or such other persons as may be appointed by the Chief Administrative Officer from time to time.
- 4.6 No dog licence shall be issued to or in the name of any person under the age of nineteen (19) years of age.
- 4.7 Every dog owner must ensure that a valid dog licence tag is displayed on the dog at all times by affixing it to the dog's collar or harness.
- 4.8 Every annual license expires on the 31<sup>st</sup> day of December of year during which it is issued. The owner of every dog in respect of which a license fee is due on the 1<sup>st</sup> day of January in any year and who fails to take out and pay for the license on or before the 28th day of February in that year shall pay double the amount of the license fee in respect of the license for the year. The additional fee provided for in this section does not apply to any dog license fee for a dog purchased or acquired in the calendar year for which the license is issued.
- 4.9 A dog license and a dog licence tag shall not be transferred to another owner or another dog.
- 4.10 The Village may issue a replacement dog license tag upon being satisfied by the owner that the original tag issued by the Village has been lost or stolen and upon payment of the fee provided in Schedule 'A' to this bylaw.
- 4.11 The Village shall keep a book in which shall be recorded the name and address of the owners of the each dog for which a license is issued, the date of the issuance of the license, the description of the dog, and the license number.

- 4.12 No dog license fee, late licencing penalty or replacement dog licence tag fee shall be charged for guide dogs or police dogs.

#### **PART 5 – CONTROL OF DOGS**

- 5.1 It is the owner's responsibility to ensure their dog is in compliance with this Bylaw.
- 5.2 No person shall allow his dog to bite, attack, terrorize or endanger a person or animal.
- 5.3 The owner of a dog must not permit, suffer or allow their dog to harass or molest a person or animal.
- 5.4 All dogs when in public must be accompanied by and under the effective control of a person competent to restrain the dog, and be on a leash not exceeding 2.44 m (8 feet) in length or by means of a retractable leash not exceeding 7.62 m (25 feet) in length when fully extended. This section does not apply to dangerous dogs.
- 5.5 Notwithstanding the provisions of this Part, a leash is not required for a dog in an Off-Leash area as defined by this Bylaw provided that the dog is accompanied by and under the effective control of a person competent to restrain the dog. This section does not apply to dangerous dogs.
- 5.6 No person shall not cause or allow any dog to defecate on any street, lane, park, public school ground or any other public place, or on any private property other than the property of the dog owner or the person having control of the dog, unless the person immediately removes the excrement and disposes of it in sanitary manner.
- 5.7 Section 5.6 does not apply to a person with a disability accompanied by a guide dog, or to an on duty police officer accompanied by a police dog.
- 5.8 The owner of a female dog must not permit, suffer or allow their dog, while she is in heat, to be in any place other than a building, cage, fenced-in area or other place from which the dog cannot escape so that she cannot come into contact with other dogs.
- 5.9 No person shall keep or harbour within the Village a habitually noisy dog.

#### **PART 6 – DANGEROUS DOGS**

- 6.1 Every owner of a dangerous dog must, at all times, while the dog is on the premises owned or controlled by such person, keep the dog securely confined either indoors or in an enclosed pen or other structure in the rear yard capable of preventing the entry of young children and adequately constructed to prevent the dog from escaping.
- 6.2 No person shall cause, suffer or permit any dangerous dog owned by him to be in any public place, unless the dangerous dog is muzzled by a properly fitted humane device and is firmly on a leash that does not exceed 2.44 metres (8 feet) in length held by a person competent to restrain the dog or secured within an enclosed motor vehicle.

- 6.3 No person shall cause, suffer or permit any dangerous dog owned by him to be on any private lands and premises without the consent of the occupier of such lands and premises and when on such lands and premises the dangerous dog must be confined as outlined in Section 6.1 or leashed and muzzled as set out in Section 6.2
- 6.4 The owner of a dangerous dog must display at each entrance to the property where the dangerous dog is kept, a sign stating “Beware of Dog”, which sign must be posted so that it cannot be removed and will be visible and capable of being read from the sidewalk, street or land abutting the entrance to the property or building.
- 6.5 The owner of a dangerous dog must advise an Animal Control Officer and the Village Office immediately is the dog is at large.
- 6.6 The owner of a dangerous dog must advise an Animal Control Officer or the Village Office immediately is the dog has bitten or attacked any person or animal.
- 6.7 Any enclosure or pen referred to in Section 6.1 shall:
- a) be of sufficient height and strength and stability to contain the dog and form a confined area with no side in common with a perimeter fence or property line; and
  - b) have sides with are either buried 60 centimeters into the ground or embedded in a concrete pad; and
  - c) have a secure top attached to all sides, and have a gate and is self-closing and has a lock; and
  - d) be capable of containing the dog in a secure and humane manner; and
  - e) be approved by the Village.

#### **PART 7 – CONTROL OF CATS**

- 7.1 No person shall own, possess, or harbour more than three (3) cats over the age of four (4) months, on any parcel of land within the Village.
- 7.2 No person shall permit their cat to be at large within the Village and must ensure that cat is kept confined within the boundaries of their property.

#### **PART 8 - POUND**

- 8.1 The establishment, maintenance, and operation of facilities for the impounding of animals at such place or places and upon such premises designated by resolution of Council is hereby authorized.

#### **PART 9 - POUND KEEPER**

- 9.1 The authority to seize and impound animals conferred by this Bylaw upon the Pound Keeper may be exercised by the Police.
- 9.7 The Pound Keeper shall record in a book kept for that purpose, the following information:

- a) the number and description of each dog impounded;
- b) the description of each other animal impounded;
- c) the name of the person who brought or caused the animal to be impounded;
- d) the day and the hour on which the animal was received, redeemed, sold or destroyed;
- e) the fees paid by the redeeming party;
- f) the amount of the proceeds of the sale, if any.

9.8 The pound keeper may destroy any animal suffering from an incurable disease, upon certification of the animal's condition by a license veterinarian, or as specifically authorized by the Provincial or Federal Statutes or Regulations.

#### **PART 10 - IMPOUNDMENT**

- 10.1 Any animal, which is found running at large contrary to this bylaw, shall be liable to seizure and impoundment by the Pound Keeper.
- 10.2 Any dog, which has not been licensed in accordance with this Bylaw, shall be liable to seizure and impoundment by the Pound Keeper.
- 10.3 Any animal that in the opinion of the Pound Keeper is suffering shall be liable to seizure and impoundment by the Pound Keeper.
- 10.5 No person shall hinder, delay, or obstruct in any manner, directly or indirectly, any person engaged in driving, loading, or carrying to the Pound any animal liable to seizure and impoundment under this bylaw.
- 10.6 No person shall break open or in any manner, directly or indirectly, aid or assist in breaking open the Pound, or take or release any animal therein without the consent of an Animal Control Officer.
- 10.7 The Pound Keeper shall ensure that all animals seized and impounded pursuant to this Bylaw shall receive sufficient food, water, shelter and attendance and that they are not mistreated while under seizure or impoundment.
- 10.8 An owner of an impounded animal, or any person on the owner's behalf and with the owner's authority in writing, may redeem the impounded animal at any time prior to its sale, destruction, or disposal pursuant to this bylaw upon:
  - (a) delivery to an Animal Control Officer of evidence satisfactory to the Animal Control Officer of ownership of the impounded animal;
  - (b) payment of the fees, costs and charges incurred in respect of the seizure and impoundment of the animal set out in Schedule "B"; and
  - (c) payment of the current requisite licence fee where the impounded animal is required to be licenced pursuant to this bylaw, and is not licenced.
- 10.9 Subject to Section 10.8 of this bylaw, if an impounded animal is not claimed and redeemed within five clear days of the time of its impoundment, then the pound keeper may destroy the animal or sell it for not less than the amount of the impoundment fee.

- 10.10 Where a licensed dog is impounded, it shall not be sold or destroyed without first giving notifying the owner by telephone or sending a notice by double registered mail, within 24 hours, to the owner of the dog at the address shown on the license application. The notice shall state that if the dog is not claimed within five (5) days of the date of delivery of the notice, the dog will be destroyed or sold.

## **PART 11 - KENNELS**

- 11.1 (1) An owner of a kennel shall apply to the Village for a kennel license, and upon payment of the kennel license fees set out in Schedule "A" to this bylaw and proof of compliance with all other relevant village bylaws, the owner shall be issued a kennel license.
- (2) A kennel license does not relieve the owner of a kennel from purchasing individual dog licenses for each dog in their possession over the age of 4 months.
- (3) A kennel license is not a substitute for a license required by the Village's business license bylaw, and does not relieve an owner of a kennel from compliance with that bylaw or any other relevant bylaws of the village.
- (4) A kennel license shall not be issued in contravention of the Zoning Bylaw.
- 11.2 No person shall:
- (a) have or keep more than six (6) dogs, over the age of four (4) months, in a kennel;
- (b) permit or cause a dog to be unattended or uncontrolled in any open air run in a kennel between the hours of 8:00 p.m. and 8:00 a.m. daily;
- (c) allow a dog to run loose in a kennel except in an adequately fenced area;
- (d) permit or cause barking, yelping, howling or other frequent noise to emanate from a kennel.
- 11.3 The owner or operator of a kennel shall:
- (a) ensure that all animals in the kennel are under control and are restrained from frequent barking, yelping, howling or making other noise;
- (b) keep the kennel at all times in good repairs;
- (c) keep the kennel and the yard surrounding it at all times in a clean and sanitary condition and free of vermin and rodents;
- (d) collect all uneaten food from the kennel daily; wrap it and dispose in a sanitary manner;
- (e) dispose of all excrement, manure, dung, or refuse and all liquid wastes from the kennel in a manner which meets the approval of the Medical Health Officer and the Village.
- (f) Dispose of all hairclippings and waste paper in a sanitary manner;
- (g) Keep the kennel regularly cleaned and disinfected, and free of any offensive or disagreeable odors to the satisfaction of the Medical Health Officer.



**PART 12 - ENFORCEMENT**

- 12.1 The Animal Control Officer or Police are hereby authorized to enter, at all reasonable times, on any property subject to the regulations of Council, to ascertain whether the provisions of this bylaw are being observed.
- 12.2 The Pound Keeper is hereby authorized to seize and impound unlicensed dogs, and dogs and other animals which are at large.

**PART 13 - SCHEDULES**

- 13.1 Schedules 'A', 'B', 'C', and 'D' of this bylaw form a part of this bylaw and are enforceable in the same manner as this bylaw.

**PART 14 - PENALTIES**

- 14.1 A person who contravenes this bylaw commits an offence punishable on a summary conviction and is liable to a fine of not less than \$50.00 and not more than \$2000.00.

**PART 15 - REPEAL**

- 15.1 "Village of Sayward Animal Control and Pound Bylaw No. 187, 1998" is hereby repealed.

**PART 16 - SEVERABILITY**

- 16.1 If any section, subsection, sentence, clause or phrase of this bylaw is nor any reason held to be invalid by the decision of any Court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this bylaw.

**PART 17 - EFFECT**

- 17.1 This bylaw shall come into full force and effect on the date of final adoption.

READ a first time by the Municipal Council this 12<sup>th</sup> day of January, 2005.

READ a second time by the Municipal Council this 12<sup>th</sup> day of January, 2005.

READ a third time by the Municipal Council this 12<sup>th</sup> day of January, 2005.

ADOPTED by the Municipal Council of the Village of Sayward this 26<sup>th</sup> day of January, 2005

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Acting Mayor

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Chief Administrative Officer

**SCHEDULE 'A' TO BYLAW NO. 340, 2005**

**LICENSE FEES**

**CLASSIFICATION**

|                               |         |
|-------------------------------|---------|
| Dogs over the age of 4 months | \$ 5.00 |
| Kennel License                | \$50.00 |
| Replacement License           | \$ 5.00 |

**SCHEDULE 'B' TO BYLAW NO. 340, 2005**

**IMPOUNDMENT FEES**

**LICENSED DOG**

|  |          |
|--|----------|
| First impoundment (in a calendar year)                                 | \$ 25.00 |
| Second impoundment (in a calendar year)                                | \$ 50.00 |
| Third impoundment (in a calendar year)                                 | \$100.00 |
| Fourth impoundment and each following impoundment (in a calendar year) | \$150.00 |

**UNLICENSED DOG**

Impoundment fee plus license fee

**MAINTENANCE FEE**

|                                      |         |
|--------------------------------------|---------|
| For each 24 hours or portion thereof | \$20.00 |
|--------------------------------------|---------|

**SCHEDULE 'C' TO BYLAW NO. 340, 2005**

**DOG OFF-LEASH AREAS**

1. Estuary

**SCHEDULE 'D' WILD OR EXOTIC ANIMAL**

The following list of animals constitutes “wild or exotic animals” for the purposes of this bylaw. The list includes all such animals whether bred in the wild or in captivity and also includes their hybrids with domestic species. The works in parentheses are intended to act as examples only and are not to be construed as limiting the generality of the group.

1. Non-human primates (such as gorillas and monkeys)
2. Felids, except the domestic cat
3. Canids, except the domestic dog
4. Ursidae (bears)
5. Elephants
6. Pinnipeds (such as seals and walruses)
7. Crocodylians (such as alligators and crocodiles)
8. Marsupials (such as kangaroos and opossums)
9. Snakes and Venomous reptiles, amphibians and Arachnids
10. Ungulates, except domestic goats, sheep, pigs, cattle, horse, mule and donkey
11. Hyaenas
12. Mustelidae (such as skunks, weasels, otters and badgers)
13. Procyonids (such as raccoons and coatis)
14. Edentates (such as anteaters, sloths and armadillos)
15. Viverrids (such as mongooses, civets and genets)
16. Cetaceans (such as whales, porpoises and dolphins)
17. Struthioniformes, Rhsiformes, and Casauriformes (Ostriches, Rheas and Cassowaries)
18. Falconiformes (such as hawks, falcons, and eagles)
19. Strigiformes (such as owls)
20. Rodentia, except the hamster, guinea pig, domestic rat and mouse
21. Chiroptera (bats)
22. Lagomorphs, except the domestic rabbit.