

CONSOLIDATED WORKING COPY

BYLAW NO. 745/99

Amendments:

Bylaw 801/2002

Bylaw 921/11

A BYLAW OF THE TOWN OF NIPAWIN TO REGULATE AND CONTROL THE OWNERSHIP AND POSSESSION OF DOGS WITHIN THE TOWN

WHEREAS the Town of Nipawin is empowered by Sections 135 to 135.9 of The Urban Municipality Act, 1984 s.s. 1983-84, c. U-11 to regulate and control persons owning or harbouring any animal within the Town of Nipawin

THE COUNCIL OF THE TOWN OF NIPAWIN ENACTS AS FOLLOWS:

1. In this Bylaw unless the context otherwise requires, the expression:
 - (a) "Council" shall mean the Council of the Town of Nipawin;
 - (b) "Days Not Open to Public" shall mean any day in which the Dog Pound is not open at least three and one-half (3 1/2) hours for the public to retrieve their impounded dogs;
 - (c) "Dog" includes any male or female dog or puppy;
 - (d) "Dogcatcher" shall mean any person appointed by the Council to restrain and impound any dog running at large in the Town of Nipawin or any person authorized to act in his behalf.
 - (e) "Dog Run" shall mean any enclosure or structure of any kind whatsoever, designed or used for the harbouring or containment of a dog or dogs;
 - (f) "Owner" shall mean any person owning, possessing, or harbouring a dog;
 - (g) "Running at Large" shall mean a dog found upon any street, lane, sidewalk, or within any park, school ground, or other public place within the Town of Nipawin, unaccompanied by any person or accompanied but not under the complete control of any competent person by means of a leash, or being on private property without the permission of the owner or occupant of such property.

A leash shall not exceed 1.2 metres in length and shall be constructed of a material having a tensile strength of at least 140 kilograms;
2. (1) In this Bylaw, words in the singular include plural and words in the plural include the singular.
 - (2) This Bylaw may be referred to as the "Dog Control Bylaw".

LICENSING OF DOGS

3. (1) (a) Every owner of a dog shall obtain a licence therefore by making application and paying a fee, as shown herein, to the License Inspector, and shall cause the dog to wear around the neck a collar to which shall be attached a license plate issued by the License Inspector.

LICENSE FEE:

- i) The license fee for each year shall be Thirty (\$30.00) Dollars.
 - ii) Where, upon application for a license, the owner provides a certificate from a certified veterinarian stating that the dog has been neutered/spayed, the license fee for that year and each year after shall be Ten (\$10.00) Dollars.
- (b) A person being the owner of a dog which is not licensed according to subsection (1)(a) of this section or is found not wearing the license plate issued under subsection (1)(a) shall be guilty of an offence.
- (2) No person other than the owner shall remove a collar or license plate, provided in accordance with subsection (1) of this Section, from a licensed dog.
- (3) A dog used as a guide by a blind person shall be licensed. Notwithstanding subsection (1), no fee shall be payable to the License Inspector by the owner of a dog used as a guide by a blind person.
- (4) Licenses issued pursuant to this section are non-transferable and non-refundable.
- (5) Licenses issued under this Bylaw shall expire on December 31st next following the date of issue.

DOGS RUNNING AT LARGE:

4. Every person being the owner of a dog found running at large is guilty of a breach of this Bylaw.
5. For the purpose of impounding any dog found running at large in the Town of Nipawin, a Pound is hereby established at the Honeywood Veterinary Hospital, 309 Timber Drive, or such other place or places as may from time to time be designated by resolution of Council as a Pound.
6. The Town Administrator may from time to time appoint a Poundkeeper to carry out the provisions of this Bylaw.
7. The Poundkeeper shall receive and detain in a Pound any dog found running at large and shall detain that dog until he/she shall have disposed of it in accordance with the provisions of this Bylaw.
8. Any person of the full age of eighteen (18) years may restrain any dog found running at large in the Town of Nipawin and shall deliver the dog so restrained to the Poundkeeper. The person shall leave the Poundkeeper a statement in writing, describing the name of the owner of the dog (if known) and the place and time of restraint.

9. The Town Administrator is authorized to appoint a dogcatcher or dogcatchers whose duty is to restrain and impound any dog found running at large in the Town of Nipawin.
10. The Poundkeeper shall keep a record of all dogs impounded and of the time and manner of their disposal and shall make monthly returns to the License Inspector of all fees received. The record book shall be open for inspection at any time the Poundkeeper is in attendance at the Pound.
11. Any Poundkeeper appointed under the provisions of this Bylaw is hereby empowered to collect all necessary charges and fees in connection with the impounding of dogs and for the keeping of such dogs at the Pound.
12.
 - (a) If an impounded dog is licensed, the Poundkeeper or any other person designated by the Town Administrator shall within twenty-four (24) hours forward to the owner a notice by telephone or in writing advising such owner of the impounding and setting forth the amount required to be paid in order to have the dog released.
 - (b) If an impounded dog is unlicensed, the Poundkeeper shall cause a notice to be posted in the Town Office, giving a description of the dog, the date and time when it was impounded, and the date and hour when it will be sold or destroyed. Such notice shall be posted at least 72 hours before the said sale or destruction takes place.
 - (c) During the period of impounding of any dog, it shall be the duty of the Poundkeeper to supply such dog with adequate food, water and heated shelter.
13. The owner of any dog impounded, in order to have it released from the Pound, shall satisfy the Poundkeeper by reasonable evidence that he is the lawful owner or person entitled to the possession of the dog and shall pay to the Poundkeeper an impoundment charge, as set out hereunder:

IMPOUNDMENT FEE:

The impoundment fee shall be Thirty-five (\$35.00) Dollars plus boarding and veterinary fees per occurrence.

14. Where an impounded dog is required by Bylaw to be licensed and a license fee has not been obtained, that license fee shall be paid in addition to the impoundment charge before the dog is released from the Pound.
15. In a case where a dog is impounded and is not claimed within seventy-two hours from the time the dog is received at the Pound, excluding any days in which the Dog Pound is not open to the public, and the fees, if any, and charges paid as herein provided, the dog may be sold without further notice after the expiration of the said period by the Poundkeeper or any other person designated by the Town Administrator, and any sale proceeds shall go to the Town of Nipawin.
16. All dogs impounded under the provisions of this Bylaw and which have not been claimed or sold as herein provided may be destroyed at the expiration of the time mentioned in Section 15.
17. The owner of any dog who voluntarily turns over his dog to the Dog Catcher or Poundkeeper, or refuses or neglects to redeem his dog from the Pound within the required time, shall be liable for all charges and fees as set out in Section 13 of this Bylaw, along with the costs for euthanization if applicable.

KENNELS:

18. a) Kennels for the purpose of breeding, boarding and/or selling dogs shall be prohibited within the limits of the Town of Nipawin.
- b) Notwithstanding Section 17(a), a licensed veterinarian, may as part of his/her business operation, maintain a kennel within his/her business establishment and property for the purpose of boarding, keeping and selling of dogs. All such kennels shall follow standards established in accordance with the Code of Practice adopted by the Canadian Veterinary Medical Association.

DANGEROUS DOGS:

19. (1) Dangerous dog complaints shall be dealt with under the provisions of The Urban Municipality Act, 1984.
- (2) The Dog Catcher is designated as a municipal official for the purpose of pursuing dangerous dogs onto private property, other than a dwelling house.

DEFECATION:

20. (1) If a dog or other animal defecates on any public or private property within the Town of Nipawin other than on the property of its owner, the owner of the animal shall cause the defecation to be removed immediately.
- (2) Any person owning or occupying property in the Town of Nipawin shall remove any and all dog defecation from the said property on a daily basis and shall dispose of the defecation in a sanitary manner.
- (3) Failure to cause the removal of defecation as required by subsection (1) or (2) of this section shall be a breach of this Bylaw.

NUISANCES:

21. (1) The owner of any dog which by loud or frequent barking, howling or yelping or chasing motor or other vehicles or in any other manner or way, creates a disturbance to the annoyance or discomfort of other persons residing in the neighbourhood, or to the public at large, or which causes injury to any person, shall be required to take immediate action to eliminate the nuisance.
- (2) Failure to remedy the nuisance as required by subsection (1) of this section shall be a breach of this Bylaw.

RABIES:

22. When a dog is suspected of being rabid, or has been in contact with a rabid animal, it shall be secured and isolated for ten (10) days and the matter reported immediately to the Medical Health Officer for the Town of Nipawin and a Veterinarian of the Health of Animals Branch, Canada Department of Agriculture, and their instructions shall be carried out.

FEMALE DOGS:

23. Every owner of a female dog in heat shall keep the dog housed at all times during the whole period that the dog shall be in heat. Failure to do so shall be a breach of this Bylaw.

DOG RUNS:

24. (1) No person shall construct or cause to be constructed a dog run on any property in the Town of Nipawin within one (1) metre of the property line or within five (5) metres of a neighbouring dwelling unit.
- (2) A dog run shall be constructed of only impervious materials or wood, and no person shall place or allow to be placed any pervious materials within a dog run.

WARNING FOR BREACH:

25. Where the Dog Catcher, or any other person designated by the Town Administrator, has reasonable and probable grounds to believe any person has contravened any of the provisions of this Bylaw, he may issue a Notice of Violation - Warning form appearing as Schedule "A" to this Bylaw, advising of the breach of the Bylaw and instructing the said person to remedy any problem and comply with the Bylaw.

PENALTIES:

26. Every person who contravenes any of the provisions of this Bylaw, or fails to comply therewith, or with any notice or order given hereunder, shall be guilty of an offence and liable to the penalty as herein provided.
27. (1) Any person convicted of a breach of this bylaw shall forfeit and pay, at the discretion of the Provincial Magistrate or Justice of the Peace having jurisdiction in the Town of Nipawin, the penalties provided hereunder, and upon default of payment thereof the person convicted may be committed to jail, the guard room of the Royal Canadian Mounted Police, or to a public lock up for any time determined by the Provincial Magistrate or Justice of the Peace, not exceeding thirty (30) days, unless the penalty or penalty and license fee, as the case may be, and the costs of committal and conveyance of the person convicted to jail, guard room or lock up, are sooner paid.

The penalty for violating sections of this bylaw are:

Section 3(1)(b)	- Failure to license	\$300.00
Section 4	- Running at Large	300.00
Section 20	- Defecation	300.00
Section 21	- Nuisance	300.00
Section 23	- Female in Heat	300.00

Notwithstanding, a Provincial Magistrate or Justice of the Peace, may, at his/her discretion impose a greater penalty, however, such penalty shall be limited to a maximum fine, pursuant to Section 92 of The Urban Municipality Act, of not more than:

- \$2,000.00 in the case of an individual
- \$5,000.00 in the case of a corporation

(As amended by Bylaw 801/2002)

- (2) Any person charged with an offence of any provision of the bylaw may, upon being served a Notice of Violation Ticket, make a voluntary payment of \$60.00 at the Town Office at Nipawin, Saskatchewan within fourteen (14) calendar days of the date of the Notice of Violation. **(As amended by Bylaw 921/11)**
- (3) Any person charged with a second or subsequent offence, mentioned in 27(1) above, shall before making his/her plea before a Provincial Magistrate or Justice of Peace, be served a notice of intent that a greater punishment will be sought by reason of previous convictions.
- (4) Where the Treasurer receives voluntary payment of the prescribed amount, the person receiving the notice of violation shall not be liable to prosecution for the alleged contravention.
- (5) Nothing in this section shall be construed to prevent any person from exercising his right to defend a charge of contravention of this Bylaw.

REPEAL OF PREVIOUS BYLAW:

28. THAT Bylaws #699/96 and #739/98 are hereby repealed.

MAYOR

TOWN ADMINISTRATOR

**SCHEDULE "A" TO BYLAW #745/99
TOWN OF NIPAWIN
DOG CONTROL BYLAW #745/99**

NOTICE OF VIOLATION

This _____ Warning or _____ Ticket has been issued for breach of provisions of the Dog Control Bylaw.

DATE: _____ Time: _____

TO: Name: _____

Address: _____

Owner/Possessor
or Harbourer
of Dog described
as follows: _____

Offence: _____

Location of
Offence: _____

PENALTY:

_____ **WARNING** _____ \$ N/A

If warning is for licensing violation then licence must be obtained from the Town Office within Fourteen (14) calendar days of this notice, or a ticket will be issued.

_____ **TICKET** - Minimum penalty upon conviction \$ _____

A voluntary payment option of \$ _____ exists which must be paid no later than the _____ day of _____, 20_____

The voluntary payment must be paid at the Town Office during regular office hours or by mail or by placing the ticket in an envelope along with the correct payment and depositing the envelope in the Fine-O-Meter Box located in front of the Town Office.

TOWN OF NIPAWIN, 210 - 2ND AVENUE EAST, BOX 2134, NIPAWIN, SASK. S0E 1E0

Animal Control Officer