Town of Watson

Bylaw No. 07-2019

A BYLAW FOR DANGEROUS ANIMALS

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

Short Title

1. This Bylaw may be cited as The Dangerous Animals Bylaw.

Purpose

2. The purpose of this Bylaw is to promote the safety, health and welfare of people and the protection of people and property in the Town of Watson and to ensure the humane treatment of animals by regulating an prohibiting the keeping of dangerous animals within the Village.

Definitions

3. In this Bylaw unless context otherwise requires;

a) **'Animal Control Warden'** shall mean the Bylaw Officer and/or any such person or persons as may be designated by the Town, from time to time, to enforce the provisions of this Bylaw and include the agents or employees of that person or those persons so designated.
b) **'Town'** shall mean the Town of Watson
c) **'judge'** means a judge of the Provincial Court of Saskatchewan or a justice of the peace.
d) **'owner' includes:**
   i) a person who keeps, possesses or harbors an animal to which this Bylaw applies;
   ii) the person responsible for the custody of a minor where the minor is the owner of an animal to which this Bylaw applies;

   but does not include;

   iii) a veterinarian registered pursuant to *The Veterinarians Act, 1987* who is keeping or harboring an animal to which this Bylaw applies for the prevention, diagnosis or treatment of a disease or injury to the animal.

e) **'Pound Keeper'** means the pound keeper appointed pursuant to the terms of the Animal Control Bylaw of the Town of Watson.
f) **'provocation'** means an act done intentionally for the purpose of provoking an animal to which this Bylaw applies.

Application

4. This Bylaw shall apply to domestic cats and dogs in the Town.

Dangerous Animals

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

Exemption for Guard Dogs

6. No dog shall be considered dangerous where an action described in clause 5(a), (b) or (c) 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 offence.

Fighting Dogs Considered Dangerous

7. Notwithstanding the generality of Section 5, 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.

Dangerous Animal Hearings

8.

1) 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.
2) Notice of the hearing referred to in subsection 1) shall be served upon the owner of the animal. The notice shall be served:
    a) In the case of an owner who is an individual:
        i. By delivering it personally to the owner; or
        ii. 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;

b) In the case of an owner that is a corporation:
    i. By sending it by registered mail to the registered office of the corporation; or
    ii. 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.

3) 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 *ex parte* to hear and determine the proceedings in the absence of the owner as fully and effectively as if the owner had appeared.
4) 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:
    a) If the owner removed the animal from the owner's property, the owner shall muzzle and leash it in accordance with the criteria prescribed in section 16 and keep it under direct control and supervision;
    b) The owner shall inoculate the animal against rabies in accordance with the provisions of Section 17;
    c) The owner shall report the sale or other disposition of the animal to a designated officer appointed pursuant to Section 23;
    d) Where the animal is moved to a different village or municipality, the owner shall notify the clerk of that village or municipality;
    e) Where the animal is to be sold or given away, the owner shall:
        i. Notify an prospective owner that the animal has been declared dangerous, before it is sold or given away; and
        ii. Notify a designated officer appointed pursuant to Section 23 of the name, address and telephone number of any new owner of the animal;
    f) 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 license for the animal;
    g) The owner shall have the animal micro chipped in accordance with Section 18.
5) An order pursuant to subsection (4) may also include any or all of the following terms:
    a) The owner shall keep the animal in an enclosure which complies with the criteria prescribed in Section 19;
    b) 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;

c) The owner shall display a sign, which complies with the criteria prescribed in Section 20, 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;
d) The owner shall have the animal spayed or neutered;
e) The owner shall take such other measures as the judge considers appropriate.

6) Notwithstanding subsection (4), 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.
7) Where an order has been made pursuant to subsection (5) 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.
8) On an application pursuant to subsection (7), the judge may waive compliance with clause (5)(b), 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.
9) 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.

Offences

9.

1) 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.
2) Any person who displays 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 8(5) or has not received the permission of the Village to display the sign is guilty of an offence.
3) Any person who does not comply with any part of an order made against him or her pursuant to subsection 8(4), (5) or (6) is guilty of an offence.
4) 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.

Penalties

9.1

1) A person who is guilty of an offence pursuant to subsection 9(3) or 9(4) is liable on summary conviction to a fine of not less than the minimum penalty shown in Appendix 'B' and :
    a) In the case of an individual, not exceeding $10,000.00 or imprisonment for not more than one year, or both; and

b) In the case of a corporation, not exceeding $25,000.00, or imprisonment of the directors of the corporation for not more than one year, or both.

2) A person who is guilty of an offence for which a minimum penalty is not prescribed in Appendix 'B' is liable on summary conviction:
   a) In the case of an individual, to a fine not exceeding $10,000.00 or imprisonment for not more than one year, or both; and
   b) 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.
3) In addition to imposing the penalty under subsection (1) or (2), the convicting judge shall make an order embodying the requirements of subsection 8(4).
4) An order pursuant to subsection (3) may also include the requirements of subsection 8(5).
5) Notwithstanding subsection (3), 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.
6) A person desiring to appeal an order or conviction pursuant to this Section shall within seven days of the 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.

Order Binds Subsequent Owner

10. An order issued pursuant to Section 8 or 9 continues to apply if the animal is sold or given to a new owner or is moved to a different municipality.

Execution of Destruction Order

11.

1) Unless the owner otherwise agrees, every order for destruction of an animal shall state that it shall not be implemented for eight days.
2) 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.
3) 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.

Return of Animal

12. 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.

Destruction by Peace Officers

13.

1) 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.

2) Where the officer acted in good faith, a peace officer who destroys an animal pursuant to subsection (1) is not liable to the owner for the value of the animal.

Entry and Search

14. 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 378 of *The Municipalities Act.*

Charges May Be Added to Property Taxes

15.

1) If a person owes the Village of costs incurred by the Village 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.
2) If an amount is added to the tax roll of a parcel of land pursuant to subsection (1), the amount:
    a) Is deemed for all purposes to be a tax imposed pursuant to *The Municipalities Act* from the date it was added to the tax roll; and
    b) Forms a lien against the parcel of land in favour of the Village from the date it was added to the tax roll.

Criteria for Muzzle and Leash for Dangerous Animals

16. Where an animal that has been declared dangerous pursuant to Section 8 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:

a) The animal shall be fitted with a collar or harness for the body that is properly placed and fitted on the animal;
b) 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;
c) The leash shall not exceed 1.2 meters in length and shall be constructed of a material having a tensile strength of at least 40 kilograms;
d) The muzzle on the animal shall be properly fitted on the animal to prevent it from biting any animal or person;
e) The muzzle shall be fitted on the animal in a manner that it will not interfere with the vision or respiration of the animal.

Inoculation of Animals

17.

1) Where an animal has been declared to be dangerous pursuant to Section 8, 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.

2) 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 (1) until the expiration of 12 months from the date of inoculation of the animal or as otherwise recommended in writing by a licensed veterinarian.
3) The owner of an animal shall have the animal inoculated within each 12-month period following the inoculation mention in subsection (1) or (2), or as may otherwise be recommended in writing by a licensed veterinarian during the lifetime of the animal.

Micro Chipping of Dangerous Animals

18. Where an animal has been declared dangerous pursuant to Section 8, 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.

Enclosures for Dangerous Animals

19. If a judge orders pursuant to clause 8(5)(a) that an animal be kept in an enclosure, the enclosure must comply with the following criteria:

a) The enclosure shall be constructed of wood or any other building material of sufficient strength and in a manner adequate to:
    i. Confine the animal ; and
    ii. Prevent the entry of children of tender years;
b) 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;
c) The enclosure shall be at least 3 meters in length, 1.5 meters in width and 1.8 meters in height;
d) The enclosure shall have a top secured to the sides of the enclosure;
e) The enclosure shall:
    i. Have a floor secured to the sides of the enclosure; or
    ii. The sides of the enclosure shall be embedded in the ground to a depth of at least .6 meters;
    iii. Provide protection from the elements for the animal;
    iv. Provide adequate light and ventilation for the animal; and
    v. Be kept in a sanitary and clean condition.

Signs

20.

1) Where an animal has been declared dangerous pursuant to Section 8, 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 Appendix 'A'.
2) A sign required by subsection (1) shall be placed at each entrance to the premises where the animal is kept and on the enclosure in which the animal is confined.

3) A sign required by subsection (1) shall be clearly visible and capable of being read from any adjacent public road.

Quarantine of Animals

21. 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).

Rabies Test of Animals

22.

1) 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 21, retain the head of the animal in a manner usable for testing the animal for rabies.
2) Where a person destroys an animal in the circumstances described in subsection (1), the person shall immediately notify a veterinarian or a peace officer that he or she is in possession of the head of an animal to be tested for rabies.

Appointment of Designated Officers

23.

1) The Pound keeper and the Animal Control Agency shall be designated officers for the purposes of this Bylaw.
2) The Pound keeper and the Animal Control Agency are authorized to delegate enforcement of the Bylaw to their employees.

Coming Into Force

24. This Bylaw shall come into force upon the day of its final passing.

_____
Mayor

{Seal}

_____
Administrator

Read a third time and adopted
This 22 day of August 2019.
Amended March 11, 2021

Appendix 'A'

~~Appendix 'B'~~

~~Mandatory Minimum Penalties~~

~~Section~~	~~Offence~~	~~1st Offence~~	~~2nd Offence~~	~~3rd Offence~~
~~9(3)~~	~~failure to comply with court order~~	~~$500~~	~~$1000~~	~~$1500~~
~~9(4)~~	~~owning an animal that attacks, assaults, wounds, bites or kills~~	~~$250~~	~~$500~~	~~$750~~

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Mayor

_____
Administrator

Appendix 'B'
AMENDED Bylaw 2021 - 04
Mandatory Minimum Penalties

Section	Offence	1st Offence	2nd Offence	3rd Offence
9(3)	failure to comply with court order	$500	$1000	$1500
9(4)	owning an animal that attacks, assaults, wounds, bites or kills	$500	$1000	$3000
19	At Large	$800	$1600	$4000
20	Failure to display Signs	$250	$500	$750

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Mayor

_____
Administrator