

**TOWN OF LUMSDEN
BYLAW NO 11-2016**

**A BYLAW TO PROVIDE FOR THE LICENSING, CONTROLLING,
REGULATING AND IMPOUNDING OF DOGS.**

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

1. This bylaw may be referenced as the "Dog Control Bylaw"

2. DEFINITIONS:

For the purpose of this bylaw, the expression:

- a) "council" shall mean the council of the Town of Lumsden;
- b) "designated officer" shall mean a person(s) designated by the council of the municipality for the purpose of enforcing the provisions of this bylaw;
- c) "designated vendor" shall mean a vendor designated by council to issue licenses on behalf of the municipality;
- d) "dog" shall mean members of the canis genus species;
- e) "leash" shall mean a suitable device physically connecting the dog to the owner and capable of restraining the dog; electric leashes are not permitted;
- f) "license" means a Dog License issued by the municipality in accordance with the provisions of this bylaw;
- g) "license tag" shall mean a unique identification tag issued by the municipality to a specific dog;
- h) "owner" shall mean:
 - i) a person, partnership, association or corporation who keeps, possesses or harbours a dog; or
 - ii) the person responsible for the custody of a minor if the minor is the owner of a dog;
- i) "municipality" shall mean the Town of Lumsden;
- j) "pound" shall mean a premises and facilities that has been designated by Council;
- k) "running at large" means a dog that:
 - i) is beyond the boundaries of the land occupied by the owner, possessor or harbourer of the dog; or
 - ii) is beyond the boundaries of any lands where it may be with the permission of the owner or occupant of the said land; and
 - iii) is not under control by being:
 - (a) in direct and continuous charge of a person competent to control it; or
 - (b) securely confined within an enclosure; or
 - (c) securely fastened so that it cannot roam at will.

3. LICENSING:

- a) An owner of a dog over three (3) months (onus of proving age of the animal shall be on the owner thereof) shall obtain a license for the said dog from the Town Administrator, Designated Officer or Designated Vendor;
- b) The license shall be in effect from January 1st to December 31st of a calendar year and shall be obtained annually on or before the 15th day of January in each year, or within 15 days of taking possession of the dog.
- c) Notwithstanding Subsection 3(b), if an owner has obtained a lifetime license for the said dog, that license shall be in effect from the date of issuance of the license until the owner is no longer in possession of the dog to which the license was issued.
- d) An owner to whom a license has been issued under this bylaw shall cause his or her dog to wear a collar to which shall be attached the license tag issued by the municipality pursuant to this bylaw.

- e) In the event a license tag is lost, the owner shall immediately obtain a replacement license tag from the municipality.
- f) The municipality may enter into an agreement(s) with a designated vendor(s) to provide for the sale of dog licenses.
- g) The license fees are prescribed in the attached Appendix "A".

4. RESPONSIBILITY AND LIABILITY OF THE DOG OWNER:

Running at Large

- a) An owner of a dog found running at large shall be deemed guilty of an infraction of this bylaw.

Defecation

- b) If a dog defecates on any public or private property, other than the property of its owner, the owner shall remove such defecation immediately.

Number of Dogs Permitted

- c) No person shall keep more than two (2) dogs over the age of three (3) months on the same property within the Town of Lumsden. This section does not apply to the following:
 - i) an animal hospital owned and operated by a licensed veterinarian and who has obtained municipal approval to operate such business;
 - ii) a kennel owner who has obtained municipal approval to operate such business.

Threatening and Nuisance Behaviour

- d) An owner of a dog shall ensure that such dog does not:
 - i) Bite a person or another animal;
 - ii) Act aggressively and cause physical injuries to a person or another animal;
 - iii) Chase a person or another animal;
 - iv) Cause damage to property; or
 - v) Bark, howl or create a disturbance.

Threatening Dog Requirements – Off Owner's Property

- e) Any owner of a dog that contravenes Clause 4(d) (i, ii or iii) shall ensure that at all times, when off the property of the owner, the dog is securely:
 - i) Muzzled;
 - ii) Harnessed or leashed on a lead which length shall not exceed one (1) meter and prevents the dog from chasing, injuring or biting another person or animal; and
 - iii) Is under the physical control of the person over the age of 18.

Threatening Dog Requirements – On Owner's Property

- f) An owner of a dog that contravenes Clause 4(d) (i, ii or iii) shall ensure that at all times, when on the property of the owner, the dog is securely:
 - i) Kept in an enclosure, dwelling or yard that cannot be escaped; and
 - ii) Shall, take any other measures as Council sees fit, including but not limited to:
 - a) Obtain and keep in effect liability insurance in an amount not less than \$300,000.00, specifically covering any damages for the personal injury and property damage that may be caused by the dog,
 - b) Display signs, in a prescribed form as directed by the Designated Officer, on the owner's property warning of the dog(s) presence and continue to display the signs in good condition so long as the dog is on the property;
 - c) Destroy or otherwise dispose of the animal at the owner's expense.

Dangerous Dogs

- g) Any dog may be declared as a Dangerous animal as provided for in Section 375 of *The Municipalities Act* and dealt with accordingly.

Exemption

- h) Section 4 does not apply to police dogs acting in the performance of their duties.

5. SEIZURE AND IMPOUNDMENT:

- a) Dogs found running at large in the municipality may be seized and impounded by a Designated Officer.
- b) Any person may restrain any dog running at large in the Town of Lumsden and shall deliver the dog so restrained, to the Designated Officer. Such person shall leave with the Designated Officer a statement, in writing, describing the dog restrained, the name of the owner (if known) and the place and time of restraint.
- c) A Designated Officer may enter onto the land surrounding any building in pursuit of any dog which has been observed to be running at large.
- d) No person, whether or not they are the owner of a dog which is being or has been pursued or seized, shall:
 - i) interfere with or attempt to obstruct the Designated Officer or other authorized person, who is attempting to seize or has seized any dog in accordance with the provisions of this bylaw;
 - ii) unlock, unlatch or otherwise open the vehicle or compound in which a seized dog is confined; or
 - iii) remove any dog from the possession of the Designated Officer or other authorized person
- e) For the purpose of impounding any dog found running at large within the boundaries of the Town of Lumsden, the pound shall be the Town Public Works Shop, unless otherwise designated by Council resolution. The municipality may enter into agreements to provide for pound services.
- f) The pound shall supply each and every dog impounded under the provisions of this bylaw, sufficient food and water during its confinement in the pound.
- g) The Designated Officer shall immediately after impounding any dog, make a reasonable effort to notify the owner by telephone. If the owner of the dog is unknown, the Designated Officer shall post a notice in the Municipal Office and on the municipality's website, stating the size, colour, sex and breed or probable breed and a picture.

Confinement and Release of Impounded Dogs

- h) All dogs confined in the said pound shall be kept there for up to twenty-four (24) hours if the dog is unlicensed and up to seventy-two (72) hours if the dog is licensed, with the exclusion of statutory holidays and weekends, during which time the owner shall have the right to retrieve the dog, during normal business hours upon paying to the municipality or other authorized person, the license fee (if required) and impound fees as set out in Appendix "A" of this bylaw.
- i) Unlicensed dogs not redeemed within the first twenty-four (24) hours, or by 2:00 p.m. of the business day prior to a weekend or statutory holiday whichever comes first, will be delivered to the Regina Humane Society. Licensed Dogs not redeemed within the first seventy-two (72) hours, or by 2:00 p.m. of the business day prior to a weekend or statutory holiday whichever comes first, will be delivered to the Regina Humane Society.
- j) The owner of a dog shall be liable for all penalties and fees in accordance with this bylaw.

6. GENERAL PENALTY PROVISIONS

- a) Unless otherwise provided for in this bylaw, any person who contravenes any of the provisions of this bylaw or fails to comply therewith, shall be liable on summary conviction to the offence penalties set out in Appendix "B" of this bylaw.

- b) A designated officer who has reason to believe that a person has contravened any provision of this Bylaw may serve upon that person a Notice of Violation as set out in Form "A", in accordance with this section.
- c) The Notice of Violation is deemed to have been served:
 - i) On the day of delivery, if the notice is served personally;
 - ii) Ten (10) days from the date it was sent by registered mail; or
 - iii) On the day of delivery, if hand delivered and left at the last known address.
- d) The person named on the Notice of Violation may make a voluntary payment in the specified amount and within the specified time frame as set out in Appendix B of this bylaw, and upon making the voluntary payment, that person shall not be liable to prosecution for the contravention stated on the Notice of Violation.
- e) A person, to whom a Notice of Violation has been issued pursuant to this bylaw, may exercise their right to defend any charge of committing a contravention of any of the provisions of this bylaw, by written appeal to Council.
- f) A person who contravenes any provision of this bylaw is guilty of an offence and if a voluntary payment is not made, may be summonsed to court and liable upon summary conviction to the penalties provided in the attached Appendix "B".
- g) All fees, fines and voluntary payments collected under this bylaw shall be paid to the Town of Lumsden.

8. SEVERABILITY

- a) If any portion of this bylaw is declared invalid by a court of competent jurisdiction, that invalid portion must be severed and the remainder of the bylaw remains valid.

9. Bylaw No. 02/77 and 01/83 are hereby repealed.

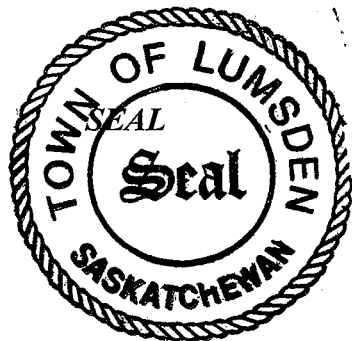
10. This Bylaw shall come into force on the day of its final passing.

Readings

Read a first time this 13th day of September, 2016.

Read a second time this 27th day of September, 2016.

Read a third time this 27th day of September, 2016.



[Signature]
 Mayor

[Signature]
 Chief Administrative Officer

Certified to be a true copy of Bylaw No. 11-2016
 adopted by the Council of the Town of Lumsden
 on the 27th day of September, 2016

[Signature]
 Chief Administrative Officer

[Handwritten marks]

APPENDIX A
Bylaw No. 11-2016

Annual License Fees:

License Type	Fee
Annual License	\$10.00
Replacement Tag	Free
Lifetime License	\$50.00

Impound Fees:

Impound Type	First Offence	Second & Subsequent Offences
Impound, licensed dog	\$100.00	\$200.00
Impound, unlicensed dog	\$200.00	\$300.00
Veterinary expenses incurred during impound period, if applicable	At Cost	At Cost



APPENDIX B
Bylaw No. 11-2016

OFFENCE PENALTIES:

Section	Short Form Wording - Offence	Penalty First Offense	Penalty Second & Subsequent Offenses
3(a)	Fail to obtain license	\$120.00	\$200.00
3(d)	Fail to wear collar with license tag	\$80.00	\$160.00
4(a)	Running at Large	\$200.00	\$300.00
4(b)	Failure to clean up after animal	\$100.00	\$200.00
4(c)	Harbour more than two (2) dogs on the same property	\$200.00	\$500.00
4(d)(i)	Bite a person or another animal	\$500.00	\$1,000.00
4(d)(ii)	Act aggressively and cause physical injury	\$400.00	\$800.00
4(d)(iii)	Chase a person or another animal	\$100.00	\$200.00
4(d)(iv)	Cause damage to property	\$200.00	\$300.00
4(d)(v)	Cause a disturbance	\$200.00	\$400.00
5(d)	Obstructing a designated officer	\$600.00	\$1,000.00

Voluntary Payments will be accepted, if made within 30 days of the issuance of the Notice of Violation, at a 50% reduction of the rate of the penalty amounts listed above.

TOWN OF LUMSDEN
NOTICE OF VIOLATION

Owner's Name: _____
Owner's Address: _____

Date of Infraction Year	Month	Day	Time of Infraction Hours
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The owner of a dog described as:

Breed Type:	
Colour:	
Sex:	
License Tag #:	
Other:	

DID COMMIT THE FOLLOWING CONTRAVENTION(S) OF THE PROVISIONS UNDER THE DOG CONTROL BYLAW:

Section	Offence	Voluntary Payment amount if made within 30 days	Penalty amount after 30 days

Comments: _____

I, the Designated Officer, believes from personal knowledge and certifies that the above contravention(s) have been committed as specified.

Signature of Designated Officer

Printed Name

Date of Issuance

YOU MAY MAKE PAYMENT OF THE ABOVE PENALTY AT THE TOWN OF LUMSDEN MUNICIPAL OFFICE DURING REGULAR OFFICE HOURS OR BY MAIL WITHIN THIRTY (30) DAYS OF THE DATE OF ISSUANCE OF THIS NOTICE OF VIOLATION. IF YOU DO NOT MAKE A VOLUNTARY PAYMENT WITHIN THE TIME SET OUT ABOVE, YOU SHALL BE LIABLE TO PROSECUTION AND, UPON SUMMARY CONVICTION, YOU SHALL BE LIABLE TO THE PENALTY AMOUNT INDICATED ON THIS NOTICE.

APPEAL: You may make an appeal to defend any charge of committing a contravention of the Dog Control Bylaw by written appeal to the Council of the Town of Lumsden.

Town of Lumsden
300 James Street North
PO Box 160
Lumsden, SK S0G 3C0