

TOWN OF INDIAN HEAD

BYLAW NO. 10 - 2022

A BYLAW OF THE TOWN OF INDIAN HEAD FOR LICENSING DOGS AND REGULATING AND CONTROLLING PERSONS OWNING OR HARBOURING DOGS

Pursuant to the general power under section 8 of *The Municipalities Act*, SS 2005, c M-36.1 granting a municipality the authority to pass any bylaw considered expedient; and

Pursuant to the power under section 380.1 of *The Municipalities Act*, SS 2005, c M-36.1 granting a municipality the authority to pass a bylaw respecting animal control;

The Council of the Town of Indian Head, in the Province of Saskatchewan, enacts as follows:

PART 1 – INTERPRETATION

Short Title

1. This Bylaw may be referred to as the *Dog Bylaw, 2022*.

Purpose

2. The purpose of this Bylaw is to promote the safety, health and welfare of people, the protection of property, and the humane treatment of dogs by regulating the keeping of dogs in the Town of Indian Head.

Definitions

3. In this Bylaw, in any amending Bylaws, and in any schedules attached hereto, the following words and terms shall have the following meanings:
 - (a) “**Administrator**” means the Administrator of the Town of Indian Head appointed pursuant to *The Municipalities Act*, SS 2005, c M-36.1, and includes any duly authorized representative of designate of such person;
 - (b) “**commercial dog kennel**” means a place where four or more dogs over six months of age are kept, and where the business of selling, boarding, breeding, training or grooming dogs is conducted and governed by a special use permit;
 - (c) “**Council**” means the Council of the Town of Indian Head;
 - (d) “**Criminal Code**” means *Criminal Code*, RSC 1985, c C-46;
 - (e) “**Dangerous Dog Order**” means an Order of a Judge pursuant to Part 6 declaring a dog dangerous within the meaning of this Bylaw;
 - (f) “**designated officer**” means a person appointed by the Town of Indian Head as a bylaw enforcement officer for the purposes of enforcing the provisions of this Bylaw, and includes any duly authorized representative or designate of such person;
 - (g) “**dog**” includes all species of the animal commonly known as dogs, male or female, and of every breed or classification or mixture of breeds;
 - (h) “**enclosure**” means enclosure as defined under *The Municipality Regulations*, M-36.1, Reg 1;
 - (i) “**kennel**” means any structure used by any person for boarding or otherwise caring for, training or whelping dogs exceeding three (3) dogs in number over the age of three (3) months, whether or not for reward, but does not include:
 - (i) any premises occupied by a duly qualified veterinary surgeon for the practice of his profession; or,

- (ii) the dwelling house of an ordinary member of the Canadian Kennel Club, where the total number of dogs kept by the member does not exceed five (5) in number, and not more than three (3) of the dogs are kept outside the dwelling house;
- (j) **“license year”** means the period from January 1st to December 31st of the same year, both dates inclusive;
- (k) **“judge”** means a Judge of the Provincial Court or Justice of the Peace;
- (l) **“muzzle”** means a guard that covers an dog’s mouth to prevent the dog from biting;
- (m) **“Off-Leash Dog Park”** means the Off-Leash Dog Park located at 103 Eberts Street, Indian Head, Saskatchewan;
- (n) **“owner”** means:
 - (i) any person, partnership, association, or corporation owning, possessing, harbouring, having charge of or control over any dog, and includes a keeper of a dog; or
 - (ii) the person responsible for the custody of a minor where the minor is the owner of a dog;
 but does not include:
 - (iii) a veterinarian who is keeping or holding a dog for the prevention, diagnosis or treatment of a disease or any injury to that dog; or
 - (iv) a dog shelter or impoundment facility.
- (o) **“Peace Officer”** means an a peace officer within the meaning of the *Criminal Code of Canada*, RSC 1985, c C-34;
- (p) **“Pound”** means the Town Shop or such premises and facilities as may be designated by Council, from time to time, as a pound;
- (q) **“Public Health Officer”** means the Public Health Officer of the Town of Indian Head;
- (r) **“provocation”** means an act done intentionally for the purpose of provoking a dog, including entering the owner’s property with the intent to commit a criminal offence;
- (s) **“The Municipality Act”** means *The Municipality Act*, SS 2005, c M-36.1, and any subsequent amendments thereto;
- (t) **“The Municipality Regulations”** means *The Municipality Regulations*, M-36.1, Reg 1 and any subsequent amendments thereto;
- (u) **“Town”** means Town of Indian Head;
- (v) **“R.C.M.P”** means Royal Canadian Mounted Police;
- (w) **“running at large”** means when the dog is beyond the boundaries of the land occupied by the owner of the said animal, or beyond the boundaries of any lands where the dog may be within by the permission of the owner or occupant of said land, and when the dog is not under control by being:
 - (i) in direct and continuous charge of a person competent to control it;
 - (ii) securely confined within an enclosure; or

(iii) securely fastened so that it cannot roam at will.

(x) **“veterinarian”** means a member in good standing of the Saskatchewan Veterinary Medical Association or the Saskatchewan Association of Veterinary Technologists;

4. The following schedules and appendices are attached to, and form part of, this Bylaw:

Schedule “A” – Schedule of License and Pound Fees

Schedule “B” – Schedule of Fines

Appendix “A” – Dangerous Dog Warning

Application

5. This Bylaw shall apply to dogs in the Town and persons owning dogs in the Town.

PART 2 – LICENSING

Licensing of Dogs

6. Every owner of any dog over three (3) months old shall obtain a license from the Administrator, excepting seeing eye dogs and any dogs used for police work by the R.C.M.P or any peace officer.

7. (1) The annual license shall remain in effect from January 1 to December 31 of the calendar year and shall be obtained on or before January 15th, or within fifteen (15) days of taking possession of the dog by paying the annual license fee to the Administrator as set forth in Schedule “A” of this Bylaw.

(2) The life time license shall remain in effect as long as the licensee owns the specific dog for which the license has been obtained by paying the annual license fee to the Administrator as set forth in Schedule “A” of this Bylaw.

8. Upon the first application for a license being received by the Administrator, the Administrator shall, in addition to issuing a license, issue a tag for the dog.

9. The owner shall cause a dog to wear, around its neck, a collar and tag issued pursuant to section 8, when the dog is off the premises of the owner.

10. Every owner of a dog within the Town shall on demand by the Administrator or designated officer produce and show to the individual making the demand his/her license.

11. (1) Every person requested by the Administrator or designated officer to do so shall forthwith deliver to the Administrator or designated officer a statement in writing of the number of dogs owned by him/her.

(2) No resident shall own, possess or harbour more than three dogs in the Town.

Commercial Dog Kennel

12. (1) No person shall operate a commercial dog kennel within the Town, unless it is permitted by the Town’s Zoning Bylaw.

(2) The operation of any commercial dog kennel within the Town shall be subject to approval from the Public Health Officer for the Town, and the commercial dog kennel shall comply with the provisions of any Town Zoning Bylaw relating to the operation of commercial dog kennels within the Town.

PART 3 – RUNNING AT LARGE

Running at Large

13. No owner shall permit his or her dog to run at large in the Town.

Impounding of Dogs

14. The Administrator or designated officer may restrain and impound a dog found running at large and convey the dog to the Pound.
15. For the purpose of impounding any dog found running at large in the Town, the Pound shall be located at the Town Shop or at such place or places as may from time to time be designated by the Council.
16. The Administrator or designated officer shall keep a record of all impounded dogs.
17. (1) When any dog is captured and impounded, the Administrator or designated officer shall post a notice on the Town website and the Town's Facebook page within twenty-four (24) hours. The notice shall give a description of the said dog, the date when it was impounded, the date and hour when the dog is relinquished to the Pound, and the amount required to be paid in order for the dog to be released. Hours used in this section shall not include the hours between 4:30 p.m. of any Friday, until 8:30 a.m. of the following Monday nor the twenty-four hours of any other day celebrated in the Town as a holiday.

(2) Where a dog impounded is wearing a collar to which a current license tag is attached, in addition to posting a notice on the Town website and the Town's Facebook page as set out in section 17(1) of this Bylaw, the Administrator or designated officer shall serve such notice on the owner in accordance section 36. Neither the Administrator or designated officer, nor the Town will be liable for failure of the owner to receive such notice.
18. The Administrator, designated officer, or any peace officer may, capture or seize any dog by any method authorized by Council found running at large contrary to the provisions of this Bylaw, and shall deliver such dog to the Pound. The dog shall be kept for seventy-two (72) hours and if not claimed and redeemed by the owner, the dog may be sold for the cost of boarding, vaccination against rabies and, if applicable, license fees. If such impounded dog is not claimed and redeemed or sold within a period of ninety-six (96) hours, from the time of impoundment, the said dog may be destroyed or disposed of by the Administrator or designated officer.
19. Pound fees shall be as prescribed in Schedule "A", and shall be in addition to any charges for food or otherwise, that the Administrator or designated officer may impose.

Release of Animal to the Owner

20. The owner may retrieve the dog during normal Town office hours.
21. (1) The Administrator or designated officer shall not release a detained dog unless:
 - (a) the person claiming the dog can satisfy the Administrator or designated officer that the person is the owner or the person entitled to possession of the dog; and
 - (b) the Administrator has received the impoundment fee as set out in Schedule "A".
(2) If the dog is not licensed, a license must be purchased prior to release of the dog.

Relinquishment

22. A dog may be considered to be relinquished to the Pound when a dog is:
 - (a) detained at the Pound and is not claimed and redeemed by the owner within seventy-two (72) hours from the time the dog was received by the Pound; or
 - (b) surrendered to the pound by its owner.
23. Any dog impounded that is seriously injured or ill, may be humanely disposed of at the discretion of a registered veterinarian.

Claiming of Dog

24. An owner or the owner's agent may claim a detained dog by attending the Pound and providing the Administrator or designated officer with proof of ownership or entitlement to the dog.

PART 4 – DUTIES OF OWNERS

Duties of Dog Owners

25. No owner shall permit his or her dog to:

- (a) bite or chase a person or other animal;
- (b) bite, bark at, or chase a motor vehicle or bicycle; and
- (c) cause any damage whatsoever to any public or private property, other than that of the owner, or any injury whatsoever to any person or other animal, whether or not the dog is then running at large.

26. (1) If a dog defecates on any public or private property other than the property of its owner, the owner or keeper shall cause such feces to be removed immediately and disposed of in a sanitary manner.

(2) Section 26(1) shall not apply to an owner who is a blind person and who is using the dog in question for a guide or "seeing-eye" dog.

Nuisance

27. No owner shall permit his or her dog to create a disturbance by barking or howling. For the purpose of this section, a dog is creating a disturbance if the dog's barking or howling can be easily heard by a person not situated on the property where the dog is.

28. On a complaint made in writing to the Administrator or designated officer that a dog has been causing a disturbance, the Administrator or designated officer, upon being satisfied of the truth of the complaint, shall notify the owner to abate the disturbance. The notice shall be in accordance with section 36.

29. Upon receiving a second or subsequent complaint within 30 days after the notice given under Section 28, any person who contravenes any provision set out in Section 27 is guilty of an offense and is liable on summary conviction to a minimum fine of \$200.00 and a maximum fine not in excess of \$500.00.

PART 5 – GENERAL PROVISIONS

General Provisions

30. No person shall tease, entice, bait or throw objects at a dog.

31. No person, whether or not they are the owner of a dog which is being or has been pursued or seized shall:

- (a) interfere with or attempt to obstruct the Administrator or designated officer, who is attempting to seize or has seized any dog in accordance with the provisions of this Bylaw.
- (b) unlock, unlatch, or otherwise open the vehicle or compound in which the dog seized under this Bylaw is confined; or
- (c) remove any dog from the possession of the Administrator or designated officer.

32. The Administrator shall institute a proper accounting system to insure that official receipts are issued in respect of any license fees, pound fees or collected in respect of this Bylaw, and that all records in respect to same are audited at the same time as other Town records.

33. Where any dog is suspected of having rabies, such dog shall not be killed but shall be secured and isolated for ten (10) days and the matter immediately reported to the Public Health Officer of the Town of Indian Head, whose instructions shall be carried out.

34. In cases of emergency for any cause, but more particularly for infectious disease caused by dogs, the Public Health Officer is authorized to order that no owner or other person shall suffer or permit his or her dog to be on any place beyond or outside the boundary of the place of the dwelling of the owner or other person at any time, whether on a leash or under proper control, until such order is revoked or cancelled, and the Public Health Officer may order compulsory inoculation of dogs.
35. (1) Any person operating an establishment for the purpose of breeding dogs must notify the Town and provide proof of belonging to the Canadian Kennel Association, or applicable association.
- (2) No person shall operate an establishment for the purpose of breeding dogs without belonging to the Canadian Kennel Association.

Service of Notices

36. Notices issued pursuant to any Part of this Bylaw shall be served:

(a) in the case of an owner who is an individual:

- (i) by delivering it personally to the owner;
- (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; or
- (iii) by sending it by registered mail to the last known address of the owner;

(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.

Inspection of Property for Compliance

37. Subject to the provisions of this Bylaw, peace officers and designated officers are authorized to inspect any property or premises in or adjacent to the Town to determine if the requirements of this Bylaw or any Orders issued pursuant to this Bylaw are being complied with or contravened, as the case may be.
38. All officers appointed pursuant to the authority of this Bylaw, during the term of their appointment, are designated for the purpose of conducting inspections within the meaning of section 362 of *The Municipalities Act* and all inspections conducted pursuant to the authority of this Bylaw shall be carried out in accordance with the provisions of this Bylaw and *The Municipalities Act*.
39. In the event the owner or occupant of a property or premises that is the subject matter of an inspection asks or directs a designated officer to leave, that officer and any person assisting that officer shall promptly and directly exit that property or premises, as the case may be.
40. A designated officer shall not enter a dwelling house or any other building or structure located on residential property without the consent of the owner or occupant of that property.
41. In the event an designated officer is refused access or entry to any property or premises pursuant to sections 39 and 40, that officer may apply to a justice of the peace or a provincial court judge for a warrant pursuant to section 363 of *The Municipalities Act*.

Charges May Be Added to Property Taxes

42. The Town may pay any costs for which the owner of a dog is responsible pursuant to this Bylaw and may add the amount to the tax roll of any parcel of land for which the owner is an assessed person.
43. If an amount is added to the tax roll of a parcel of land pursuant to section 42, 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 Town from the date it was added to the tax roll.

Off-Leash Dog Park

44. Any dog found to be dangerous following a dangerous dog hearing pursuant to section 57 of this Bylaw, is not permitted in the Off-Leash Dog Park.

PART 6 – DANGEROUS DOGS

Dangerous Dog

45. (1) A dog is dangerous where it is proven, on a balance of probabilities, that:
- (a) the dog 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;
 - (b) the dog, without provocation, in a vicious or menacing manner, chased or approached a person or domestic animal in an apparent attitude of attack;
 - (c) the dog has, without provocation, bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal; or
 - (d) the dog is owned primarily or in part for the purpose of fighting or is trained for fighting.
- (2) For the purposes of this section, a dog is presumed not to have been provoked, in the absence of evidence to the contrary.

Exemption

46. No dog shall be considered dangerous where an action described in section 45 occurred while the dog was:
- (a) acting in the performance of police work; or
 - (b) working as a guard dog on property:
 - (i) securely enclosed on the 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.

Evaluation of Dogs

47. If the Administrator or designated officer receives a complaint alleging that a dog is dangerous within the meaning of section 45 and the Administrator or designated officer is satisfied that the subject dog may be dangerous within the meaning of this Bylaw, that Administrator or designated officer may direct that the subject dog be evaluated by a veterinarian and, in doing so, shall serve notice on the owner requiring the subject dog be presented by the owner for examination at a time and at a place to be set forth in the notice. The owner shall be responsible for the costs of the evaluation.

48. The notice referred to in section 47 shall be served on the owner in accordance with section 36, stating the location, date and time of the evaluation.
49. The owner shall transport the subject dog to the location of the evaluation on the date and at the time set forth in the said notice and shall present the dog for evaluation muzzled and leashed in accordance with the requirements of *The Municipality Regulations*.
50. Upon examination the subject dog, the veterinarian shall prepare a report documenting the clinical observations made by the veterinarian during their examination of the subject dog, including any opinions that he/she may have formed based on his/her observations regarding the propensity, tendency or disposition of the dog to attack without provocation, or to cause injury or to otherwise threaten the safety of persons or other domestic animals.
51. A copy of the report referred to in section 50 shall be provided to the owner of the subject dog, to the Administrator and the designated officer.

Exigent circumstances

52. A peace officer may seize, without warrant, any dog:

- (a) that the officer finds attacking a person or another domestic animal; or
- (b) if the officer has reasonable and probable grounds to believe that the dog is dangerous within the meaning of this Bylaw and the owner of that dog can not be located.

53. All dogs seized pursuant to section 52 shall be held by:

- (a) a veterinarian for the diagnosis and treatment of a disease or an injury to that dog pending hearing; or
- (b) the Pound for evaluation pursuant to section 47 or pending hearing pursuant to section 57 of this Bylaw;

54. A dog seized pursuant to section 52 may be released to the owner pending hearing:

- (a) if the peace officer is satisfied that reasonable measures can be put in place to adequately protect the public, while at the same time, ensuring the humane treatment of the subject dog; and
- (b) after the owner has paid the costs of impoundment of the dog, together with any costs incurred in evaluating the dog pursuant to section 47.

55. A peace officer may destroy any dog that the officer finds injuring or viciously attacking a person.

56. A peace officer who, in good faith, destroys a dog pursuant to section 55 is not liable to the owner for the value of the dog.

Dangerous Dog Hearings

57. If, in the opinion of a designated officer, a dog is dangerous or a complaint is made that a dog is dangerous, the officer may swear an information before a judge as to the complaint and a hearing shall be conducted before a judge.

58. The information referred to in section 57 shall name the owner of the subject dog as the Respondent and shall be served on the owner in accordance with section 36, stating the location, date and time of the hearing and the nature of the Order that could be issued against the owner in relation to the subject dog.

59. The hearing referred to in section 57 shall be conducted by a judge to determine whether or not the subject dog is dangerous within the meaning of this Bylaw.

60. Where an owner does not appear at the time and place appointed for the hearing after having been notified of that time and 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.
61. In a hearing pursuant to section 57, a copy of a written report of a veterinarian is admissible in evidence as proof of the contents of that report without any further or other proof.

Orders in Relation to Dangerous Dogs

62. If the judge is satisfied, on the evidence, that the subject dog is dangerous, the judge may make an Dangerous Dog Order including any or all of the following terms:
 - (a) that the owner shall display signs, in the form illustrated in Appendix “A” and in accordance with the requirements of *The Municipality Regulations*, on the owner’s property warning of the presence of the dog and shall continue to display the signs in good condition so long as the dog is present on the property;
 - (b) that, if the dog is removed from the owner’s property, the dog shall be muzzled and leashed in accordance with the requirements of *The Municipality Regulations*, and kept under direct control and supervision;
 - (c) that the owner shall inoculate the dog against rabies in accordance with the requirements of *The Municipality Regulations*;
 - (d) that the owner shall have the dog microchipped or tattooed in accordance with the requirements of *The Municipality Regulations*;
 - (e) that the owner shall keep the dog in an enclosure in accordance with the requirements of *The Municipality Regulations*;
 - (f) that, if the dog is moved to a different city or municipality, the owner shall notify the clerk or administrator of that city or municipality;
 - (g) that, if the dog is to be sold, given away or otherwise disposed of, the owner shall:
 - (i) notify the prospective owner that the dog has been declared dangerous, before it is sold or given away; and
 - (ii) notify the Bylaw Enforcement Officer of the proposed disposition and of the name, address and telephone number of the prospective owner of the dog;
 - (h) that, if the dog is unlicensed, the owner shall, at the owner’s expense and within ten (10) days of the date of the order, purchase the requisite license for the dog;
 - (i) that 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 dog;
 - (j) that the owner shall have the dog spayed or neutered;
 - (k) that the owner shall take such other measures as the judge considers appropriate.
63. Notwithstanding section 62, a judge may, in the alternative, order that the dog be destroyed or otherwise disposed of at the owner’s expense and shall give directions with respect to the said destruction or disposition of the dog.
64. Where a Dangerous Dog Order has been made pursuant to section 62 against the owner, the owner may apply to the judge who made the order for an order that compliance with the provisions of subsection 62(i) be waived.

65. On an application pursuant to section 64, the judge may waive compliance with subsection 62(i), 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.

Appeal

66. A person desiring to appeal an order pursuant to this section shall, within seven days of the issuance of the order, file a notice of appeal with Her Majesty's Court of King's Bench, and the provisions of Part XXVII of the *Criminal Code* apply with any necessary modifications.

Owning a dog for a Dangerous Purpose

67. 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 under this Bylaw.

Threatening Behaviour by Dog

68. Any person who owns a dog that, without provocation, attacks, assaults, wounds, bites, injures or kills a person or domestic animal, is guilty of an offence.
69. Where a person has been found guilty of an offence pursuant to section 68, the convicting judge may make an order including any or all of the requirements of section 62, or make an order for destruction pursuant to section 63.

Non-Compliance with an Order

70. Any person who does not comply with any Order or part of an Order issued pursuant to this Part is guilty of an offence.

Order Binds Subsequent Owner

71. An order issued pursuant to section 62 and 63 continues to apply if the dog is sold or given to a new owner or is moved to a different municipality.

Delayed Execution of Destruction Order

72. Unless the owner otherwise agrees, every Order for the destruction of a dog shall not be implemented for eight (8) days from the date of the Order.
73. Where an appeal is taken against an order for the destruction of the dog, the application of the order is stayed pending the disposition of the appeal.
74. Regardless of the outcome of the appeal, the owner shall be responsible for the payment of any costs of impoundment of the dog pending the execution of the destruction order or the appeal hearing.

Return of Dog

75. Where the judge on appeal overturns the order for destruction of the dog, the dog shall be released to the owner upon payment by the owner of the costs of impoundment of the dog pending the appeal.

PART 7 – ENFORCEMENT OFFENCES AND PENALTIES

Notice of Violation

76. When a peace officer, Administrator or designated officer has reason to believe that a person has contravened any provision of Part 2, 3, 4, or 5 of this Bylaw, the peace officer, Administrator or designated officer may issue a Notice of Violation to the person in contravention.
77. The Notice of Violation shall provide for the voluntary payment of a penalty in the amount set forth in Schedule "B" for the offence which the person is alleged to have committed.
78. Where a notice of violation is issued, a person may make a voluntary payment of the fine amount listed in Schedule "B" of this Bylaw.

79. Voluntary payment of a penalty specified in a Notice of Violation shall be made on or before the date indicated on the Notice of Violation. Voluntary payment shall be made in person at the Town Office during normal business hours.
80. If payment of the amount specified on the Notice of Violation is made on or before the date indicated on the Notice of Violation, neither the person alleged to have committed the offence nor owner of the dog shall be liable to prosecution of the alleged contravention.
81. If payment of the amount specified on the Notice of Violation is not made on or before the date indicated on the Notice of Violation, an authorized person shall issue a Summons to the person in contravention.
82. The Summons shall provide for the voluntary payment of a penalty in the amount set forth in Schedule "B" for the offence which the person is alleged to have committed. The Summons be served by an authorized person.
83. Voluntary payment of a penalty specified in a Summons shall be made on or before the date indicated on the Summons. Voluntary payment shall be made in person at the Town Office during normal business hours.
84. Voluntary payment of the amount specified on the Summons is considered a guilty plea.
85. If payment of the amount specified on the Summons is not made on or before the date indicated on the Summons, the person to whom the Summons has been issued shall be liable to prosecution of the alleged contravention of the Bylaw.
86. Nothing in this section shall be construed to prevent any person from exercising his or her right to defend a charge of contravention of any provision of this Bylaw.

Penalties for Offences Under Part 2, 3, 4, or 5

87. (1) Any person who contravenes or fails to comply with any provision of Part 2, 3, 4, or 5 of this Bylaw is guilty of an offence and liable on summary conviction to:
 - (a) a fine amount set out in Schedule "B"; or
 - (b) where a fine is not specified, to a fine up to \$2,000 in the case of an individual and \$5,000 in the case of a corporation.

(2) For the purpose of determining the applicable fine required by section 87, the number of offences shall be determined by the number of previous Notices of Violation, that are not the subject of an appeal, issued in relation to the particular dog.

Penalties for Offences Under Part 6

88. Any person who fails to comply with any provision of Part 6 of this Bylaw is guilty of an offence and liable summary conviction to:
 - (a) any Orders made in relation to a dangerous dog pursuant to sections 62 and 63;
 - (b) a fine not exceeding \$10,000.00;
 - (c) imprisonment for not more than six months; or
 - (d) a combination of (a), (b) and (c).

Appeals

89. A person desiring to appeal a conviction pursuant to this Bylaw may appeal:
 - (a) to a Provincial Court of Saskatchewan by way of a new trial, if the order was made by a justice of the peace; or
 - (b) to the Court of King's Bench of Saskatchewan, if the order was made by a provincial court judge, on the grounds that it:
 - (i) is erroneous in point of law;

- (ii) is in excess of jurisdiction; or
- (iii) constitutes a refusal or failure to exercise jurisdiction.

90. A person who appeals pursuant to section 89, shall within seven (7) days of the conviction being appealed from, file a notice of appeal with court being appealed to. The provisions of Part XXVII of the *Criminal Code* apply with any necessary modification.

General

91. Any payment required pursuant to this Bylaw may be made to the Town Office.

PART 8 – INDEMNIFICATION AND IMMUNITY

Indemnification

92. Where a claim of damage is made, or a civil action is instituted, against a veterinarian by reasons of the evaluation of a dog pursuant to section 47 or the expression of opinions or observations by a veterinarian in a report prepared pursuant to section 47 or the reliance by any persons on the opinions or observations set forth in a report prepared pursuant to section 47, the Town shall:

- (a) retain and pay for the services of a legal council to act on behalf of that veterinarian; and
- (b) pay any sum required in connection with a judgment or settlement of a claim for damages and costs awarded against the veterinarian, excluding damages or costs associated with gross negligence on the part of the veterinarian.

Immunity

93. No veterinarian shall be liable for, and no action shall be commenced in respect of, any losses or damages suffered by any person by reason of:

- (a) the evaluation of a dog by a veterinarian pursuant to section 47, including the care and control of the subject dog concomitant with such evaluation; or
- (b) the fact that a dog, that was the subject matter of an evaluation by a veterinarian pursuant to section 47, may subsequently display a propensity, tendency or disposition to attack, to cause injury or to otherwise threaten the safety of persons or domestic animals that may not have been observed by the veterinarian at the time of evaluation.

94. No Bylaw Enforcement Officer shall be liable for any action taken to enforce this Bylaw or *The Municipality Act*.

PART 9 – TRANSITIONAL, REPEAL AND COMING INTO FORCE

Transitional

95. Nothing in this Bylaw precludes the Town from enforcing contraventions or violations that occurred prior to this Bylaw coming into force.

96. An existing license issued under Bylaw No. 06-2005, *A Bylaw to Provide for the Licensing, and to Prohibit the Running at Large of Dogs*, and any subsequent amendments, remains valid until the term of such license expires.

Repeal

97. Bylaw No. 06-2005, 20-2009, 22-2010, 06-2011, 03-2014 are repealed.

Coming into Force

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

SCHEDULE "A"
BYLAW NO. 10 - 2022
SCHEDULE OF LICENSE AND POUND FEES

<u>License Fees</u>	<u>Fee</u>
Annual fee for each dog	\$ 20
Life time fee for each dog	\$ 60
Replacement of dog tag	\$ 5

<u>Pound Fees</u>	<u>Fee</u>
Pound Fees	Monday to Friday - \$30/day Saturday/Sunday - \$60/day

NOTE: Pursuant to section 19 of Bylaw No. 10 - 2022, the License Fees and Pound Fees prescribed in this Schedule are in addition to any charges for food or otherwise, that the Administrator or designated officer may impose.

SCHEDULE "B"
BYLAW NO. 10 - 2022
SCHEDULE OF FINES

Section #	Offence	Fine for 1 st Offence	Fine for 2 nd Offence and Subsequent Offices
6.	Failure to maintain a current and valid dog license <i>*In the case where a dog is microchipped, the fine will be reduced by half or to the cost by the vet to scan the chip, whichever is higher.</i>	\$100	\$200
9.	Failure to cause dog to wear a valid tag	\$100	\$200
10.	Failure to produce a dog license on demand of an Administrator or designated officer	\$100	\$200
11.(1)	Failure to deliver statement regarding the number of dogs owned per civic address	\$500	\$1000
11.(2)	Owning more than three dogs per civic address	\$500	\$1000
12.	Operating a commercial dog kennel without approval/permit	\$200	\$400
13.	Allowing a dog to be running at large	\$100	\$500
25. (a) 25. (b)	Allowing a dog to bite or chase a pedestrian, vehicle or animal	\$500	\$1000
25. (c)	Allowing a dog to damage public or private property other than that of the owner	\$100	\$300
26.	Failure to remove defecation	\$100	\$200
27.	Allowing a dog to create a disturbance	Warning	\$200
29.	Failure to comply with an Order of the Administrator or designated officer	\$200	\$500
30.	Teasing, baiting, or throwing objects at a dog	\$100	\$200
31. (a)	Interference with the seizure of a dog	\$200	\$400
31. (a) 31. (b)	Unlock or open a compound in which a dog is seized or removing a dog from possession of the Administrator	\$500	\$1000
34.	Failure to comply with an Order of the Public Health Officer	\$200	\$500
35. (1) 35. (2)	Operating an establishment for the purpose of breeding without notifying the Town and failure to provide proof of belonging to the Canadian Kennel Association	\$200	\$400
44.	Allowing a dangerous dog in an off-leash dog park	\$200	\$500

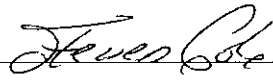
APPENDIX "A"
BYLAW NO. 10 - 2022
DANGEROUS DOG WARNING

WARNING

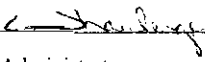


DANGEROUS DOG ON PREMISES



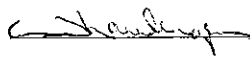


Mayor



Administrator

Certified a true copy of
Bylaw No. 10 -- 2022, adopted
by Council on the 26, day of
September, 2022.



Administrator