

BYLAW NO. 1/2005

A BYLAW OF THE TOWN OF REGINA BEACH FOR LICENSING DOGS AND REGULATING AND CONTROLLING PERSONS OWNING OR HARBOURING DOGS

The council of the Town of Regina Beach, in the Province of Saskatchewan enacts as follows:

1. This bylaw may be referred to as the Dog Bylaw.

DEFINITIONS

2. In this bylaw unless the context otherwise requires:
 - (a) "Animal control officer" means a bylaw enforcement officer, peace officer or a person appointed as a dog catcher for the Town of Regina Beach;
 - (b) "Council" means the council of the Town of Regina Beach;
 - (c) "Owner" means any person, partnership, association, or corporation, owning, possessing, harbouring, having charge of or control over any dog, and includes a keeper of a dog;
 - (d) "Person" shall include an individual, partnership, association or corporation;
 - (e) "Pound" means such premises and facilities as may be designated by the town, from time to time, as the town pound;
 - (d) "Poundkeeper" means a person, persons, or association designated by the council for the purpose of retaining impounded dogs pursuant to this bylaw:
 - (e) "Running at large" means off the premises of the owner when not on a leash held by a person able to control the dog;
 - (f) "Town" means the municipal corporation of the Town of Regina Beach or the area contained within the boundary thereof;

DOG LICENSING

3.
 - 1) Every person who owns, possesses or harbours any dog over the age of three months, (onus of proving age of the animal shall be on the owner thereof) shall not later than the 15th day of January in each year or within thirty (30) days of becoming an owner, obtain a license and shall pay therefore an annual fee as set out in Schedule "A" of this bylaw. All licenses issued under the provisions of this bylaw shall expire on December 31 next following the date of issue.
 - 2) Seasonal residents that own a dog that is currently registered in another municipality are required to provide registration information to the Regina Beach Town Office for identification purposes. Dogs not registered elsewhere are required to purchase a Regina Beach license.
 - 3) Every applicant for a license for a dog that has been vaccinated for rabies within the previous thirty-six (36) months shall produce to the animal control officer a certificate of a veterinarian that such dog has been vaccinated for rabies within the previous thirty-six (36) months.

- 4) When issuing a license, the town shall supply the applicant with a tag.
- 5) The owner shall ensure that a collar, and the tag issued by the town, are worn by the dog when the animal is off the premises of the owner.

RESPONSIBILITY OF DOG OWNERS

4.
 - 1) The owner of a dog shall ensure that such dog is not running at large.
 - 2) In this section, an animal shall be “at large” if it is off the premises of its owner, unless the animal is both:
 - a) on a leash not exceeding five (5) metres or sixteen (16) feet in length;
 - and
 - b) under the proper control of a person able to control the dog.

NUISANCE

5.
 - 1) The owner of a dog shall ensure that such dog shall not:
 - a) bite a person whether on the property of the owner or not;
 - b) bite another dog, which is under the control of the owner or in an enclosure on private property;
 - c) do any act to injure a person whether on the property of the owner or not;
 - d) chase or otherwise threaten a person whether on the property of the owner or not, unless the person chased or threatened is a trespasser on the property of the owner;
 - e) bite, bark at, or chase, animals, bicycles, automobiles, or other vehicles;
 - f) become a nuisance by barking or howling or otherwise disturbing any person;
 - 2) Every female dog in heat shall be housed or confined to a kennel.

ACCUMULATION OF DEFECATION

6.
 - 1) If a dog defecates on any public or private property other than the property of its owner, the owner shall remove such defecation immediately.
 - 2) Any person owning a dog and occupying property in the Town of Regina Beach must not allow dog defecation to accumulate for more than one week on the property so as to create a health hazard and shall dispose of the defecation in a sanitary manner.
 - 3) An animal control officer may serve an owner or occupant of private property with a notice to remove all dog defecation from the property within 72 hours of service of the notice.

- 4) Failure to cause the removal of defecation as required by subsection (1) and (2) of this section shall be a breach of this bylaw.

IMPOUNDMENT OF DOGS

7.
 - 1) An animal control officer may capture and impound any dog found running at large.
 - 2) An animal control officer may enter onto the land surrounding any building in pursuit of any dog which has been observed to be at large.
 - 3) For the purpose of impounding, any dog found running at large in the Town of Regina Beach, a pound shall be established at such place or places as may from time to time be designated by the council and the council may from time to time appoint a poundkeeper to carry out the provisions of this bylaw.

NOTIFICATION

8. The animal control officer shall within twenty-four hours after impounding any dog notify the owner by letter, telephone or in person. If the owner of the dog is unknown the animal control officer shall post a notice in the town office and on the Post Office bulletin board stating the size, colour, sex and breed or probable breed.

RELEASE OF IMPOUNDED DOGS

9. All dogs impounded in the dog pound shall be confined for seventy-two (72) hours from the time of capture, excluding Saturdays, Sundays and statutory holidays, during which time the owner shall have the right to repossess the said dog upon paying the poundkeeper or Town of Regina Beach office the amount set forth in Schedule "B" to this bylaw.

DISPOSAL OF UNCLAIMED DOGS

10. If an impounded dog is not claimed within seventy-two hours from the time such dog is received at the pound, excluding Saturdays, Sundays and statutory holidays, and the fees if any, paid as herein provided, said dog may be disposed of by the animal control officer without further notice in the following manner:
 - a) disposal by adoption upon payment of the applicable fees, where in the opinion of the animal control officer the dog is suitable for adoption;
 - b) turning over to the Regina Humane Society for their disposal.

NUMBER OF DOGS PERMITTED

11. No person shall possess or harbour more than two (2) dogs over the age of three (3) months.

PENALTIES

Voluntary Payment Tickets

12.
 - 1) Where an animal control officer believes that a person has contravened any provision of this bylaw, he may serve upon such person a Bylaw Violation Notice, (Form A) as provided by this section either personally or by mailing or leaving same at his last known address and such service shall be adequate for the purpose of this bylaw.

- 2) A notice shall be in such form as determined by the council and shall state the section of the bylaw, which was contravened, and the amount which is provided in Schedule "B" that will be accepted by the town in lieu of prosecution.
- 3) Upon production of a notice issued pursuant to this section within ten (10) days from the issue thereof together with the payment to the Town of Regina Beach the fee as provided in Schedule "B", the person to whom the notice was issued shall not be liable for prosecution for the contravention in respect of which the notice was issued.
- 4) Where any person contravenes the same provision of this bylaw two or more times within one twelve month period, the specified penalty payable in respect of the second and subsequent contravention is double the amount shown in Schedule "B" of this bylaw in respect of that provision.
- 5) Notwithstanding the provisions of this section, a person to whom a notice has been issued pursuant to this section may exercise their right to defend any charge of committing a contravention of any of the provisions of this bylaw.

Summary Conviction

13.
 - 1) Any person who contravenes any provision of this bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than two thousand dollars (\$2,000.00).
 - 2) The levying and payment of any fine shall not relieve a person from the necessity of paying any fees, charges or costs for which they are liable under the provisions of this bylaw.
 - 3) The court, in addition to the penalties provided in this section, may consider the offence sufficiently serious and direct or order the owner of the dog to stop the animal from doing mischief or causing the disturbance or nuisance complained of, to have the animal removed from the town, or have the animal destroyed.
14. If any section, subsection, sentence, clause or phrase or other portion of this bylaw is for any reason held invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the court shall not affect the validity of the remaining portions of the bylaw.

REPEAL OF FORMER BYLAWS

15. Bylaw numbers 8/90 and 2/2000 are hereby repealed.

MAYOR

Read a third time this
9th day of August,
2005.

TOWN ADMINISTRATOR

SCHEDULE "A"

Bylaw No. 1/2005, the Dog Bylaw

Schedule of License and Pound Fees

DOG

LICENSE FEE

- | | |
|------------------------------------|---------|
| 1. All dogs not spayed or neutered | \$25.00 |
| 2. All dogs spayed or neutered | \$ 5.00 |

DOG TAG REPLACEMENT FEE

If a dog tag is lost, the cost for a replacement dog tag will be:	\$ 2.00
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POUND FEES

- a) First offence:
\$75.00 plus \$10.00 per day or part thereof plus annual license fee if unlicensed.
- b) Second and subsequent offences within one twelve month period:
\$150.00 plus \$10.00 per day or part thereof plus annual license fee if unlicensed.

SCHEDULE "B"

Bylaw No. 1/2005, the Dog Bylaw

AMOUNTS WHICH WILL BE ACCEPTED BY TOWN IN LIEU OF PROSECUTION

OFFENCE UNDER	OFFENCE	AMOUNT
Section 3 (1)	Unlicensed dog	\$50.00
4 (1)	Dog at large	\$75.00
5(1)(a)	Bite a person(s)	\$200.00
5(1)(b)	Bite another dog(s)	\$200.00
5(1)(c)	Injure a person(s)	\$200.00
5(1)(d)	Chase a person(s)	\$200.00
5(1)(f)	Barking, howling, or disturbing	\$100.00
6(1)	Defecation – property other than owner	\$40.00
6(2)	Defecation – owner's property	\$40.00
11	Exceeding maximum number of dogs	\$50.00