

BYLAW NO. 2021-03

The Deer Valley Animal Control Bylaw

Under the authority granted by clause 8(1){k} of *The Municipalities Act*, 2005, c M-36.1, the Organized Hamlet of Deer Valley in the Rural Municipality of Lumsden in the Province of Saskatchewan, by and with the advice and consent of the Rural Municipality of Lumsden Council and Hamlet of Deer Valley Board, enacts as follows:

Title

- 1 This bylaw shall be referred to as *The Animal Control Bylaw*

**PART I
DEFINITIONS**

Interpretation

- 2 In this bylaw,
 - (1) **act** means *The Municipalities Act*;
 - (2) **at large** means any animal that is off the premises or boundaries of the land occupied by the owner, unless the animal is both on a leash not exceeding three meters in length and is under proper control;
 - (3) **attack** means an assault resulting in bleeding, bone breaking, sprains, serious bruising or multiple injuries;
 - (4) **bite** means a wound to the skin causing it to bruise, puncture or break;
 - (5) **cat** means any domestic feline animal;
 - (6) **collar** means any device made of any material capable of having metal tags securely fastened to it, and designed and solely intended to be worn around the neck of a dog or cat;
 - (7) **council** means the Council of the Rural Municipality of Lumsden;
 - (8) **dangerous dog** means:
 - (a) any dog without provocation, in a vicious or menacing manner, chases or approaches a person or domestic animal in an apparent attitude of attack;
 - (b) any dog having an inclination, tendency or disposition to attack without provocation to cause injury or to otherwise threaten the safety of persons or domestic animals;
 - (c) any dog which without provocation, bitten, inflicted injury or otherwise attacked a person or domestic animal;
 - (d) any dog owned primarily or in part for the purpose of dog fighting or is trained for dog fighting;but shall not include:
 - (e) any dog acting in the performance of police work;
 - (9) **designated officer** means a person employed or designated by the municipality to enforce the provisions of this bylaw;

- (10) **distressed animal** means any animal that is:
- (a) deprived of adequate food, water, shelter, ventilation, light space, exercise, care or veterinary treatment;
 - (b) kept in unsanitary conditions;
 - (c) not protected from excessive heat or cold;
 - (d) injured, sick, in pain or suffering; or
 - (e) abused or neglected;
- (11) **dog** means any domestic canine animal;
- (12) **domestic animal** means animals that have been domesticated for companionship as a household pet, this includes but is not limited to dogs or cats;
- (13) **hamlet** means the Organized Hamlet of Deer Valley;
- (14) **hamlet acreage** means larger properties located outside the parameters of 'hamlet residential';
- (15) **hamlet residential** means the area of the Organized Hamlet of Deer Valley that is contained south of Deer Valley Road, between the eastern most side of DeerCrest Run to the Deer Valley Golf Course parking lot and Clubhouse;
- (16) **leash** means any chain, rope, strap or similar device attached to the collar or harness of an animal, no longer than three (3) metres, especially a dog, and is used to lead or hold it in check;
- (17) **livestock** means:
- (a) a horse, mule, ass, swine, emu, ostrich, camel, llama, alpaca, sheep or goat;
 - (b) domestically reared or kept deer, reindeer, moose, elk or bison;
 - (c) farm bred fur bearing animals including fox and mink;
 - (d) animals of the avian species including chicken, turkey, duck, goose or pheasant;
 - (e) all other animals that are kept for agricultural purposes;
- but does not include cats or dogs or other domesticated household pets;
- (18) **non-sterilized** means capable of reproducing;
- (19) **nuisance** means behaviour by an animal or owner that negatively impacts another person or animal. Including, but not limited to, fighting, defecating, or urinating on private property without the permission of the owner, barking, howling or hissing at night, digging in flower beds or garbage containers, mounting, and trespassing on private property;

(20) **owner** includes:

- (a) a person who owns or has possession of, or control over, an animal;
- (b) the person responsible for custody of a minor where the minor is the owner of the animal; and
- (c) any person who regularly provides food, water, or shelter to a stray or abandoned animal

but does not include:

- (d) a veterinarian pursuant to The Veterinarians Act, 1987 who is keeping or harbouring an animal to which this Bylaw applies for the prevention, diagnosis or treatment of a disease or injury to the animal; or
- (e) an animal shelter or pound;

(21) **pigeon** means a bird of the species *Columbia livia*, commonly known as the domestic pigeon, and includes pigeons raised for the purpose of racing or for the purpose of show, but excludes feral or wild pigeons;

(22) **police service dog** means a dog that:

- (a) is owned by any public law enforcement; and
- (b) has been specially trained for the performance of police work and is under the control and supervision of a member of a public law enforcement agency;

(23) **properly restrained** means the animal is:

- (a) being carried by a person capable of restraining the size and strength of the particular animal;
- (b) being confined in a kennel or like container, properly latched or locked; or
- (c) being restrained by a person capable of restraining the size and strength of the specific animal by means of a leash;

(24) **provocation** means an act done intentionally for the purpose of provoking an animal;

(25) **RM** means the Rural Municipality of Lumsden;

(26) **run** means a structure designed and used for the keeping or containment of an animal;

(27) **rescue group** means a not-for-profit or charitable organization whose mandate and practices are predominately the rescue and placement of animals, and facilitating the spaying or neutering of animals, for animal welfare purposes;

(28) **service dog** means any dog with specialized training to assist any person with a recognized disability. Emotional support animals or therapy animals, which provide therapeutic benefits, but do not have specialized training to provide services for a disabled person, are not considered a service dog under this bylaw;

- (29) **SPCA** means the Society for the Prevention of Cruelty of Animals, in the Province of Saskatchewan;
- (30) **sterilized** means incapable of reproducing; and
- (31) **Zoning Bylaw** means any bylaw or amendment adopted under The Planning and Development Act, 2007 by the RM to regulate zoning and development.

PART II CONTROL

- 1 Any person may foster cats or dogs so long as:
 - a. the dog is not a dangerous dog; and
 - b. they not create a nuisance to adjacent property owners.
- 2 No person shall own or harbour in a single dwelling more than five (5) animals over the age of six (6) months.
- 3 No owner shall allow their animal to be at large.
 - a. An owner shall properly restrain their animal by physical means at all times.
 - b. No owner shall allow a minor to be in control of the leash of an animal that the minor is not able to physically control.
- 4 If a dog or cat is found to be at large the owner shall be deemed to have permitted the cat or dog to be at large either willfully or by not providing adequate containment.
- 5 A designated officer or any adult may restrain a dog or cat found at large and shelter them at their own expense until the owner is found or transport them to an animal shelter or rescue.
- 6 A designated officer or any adult may restrain any dog or cat that is a distressed animal and transport them to the Regina Humane Society.
 - a. Any adult who restrains and transports a distressed animal to the Regina Humane Society shall be responsible for any associated fees.
- 7 No person shall be permitted to use leg hold or foot hold traps in the Hamlet.
- 8 A non-sterilized female animal shall be confined on their owner's property at all times during the period the animal is in heat.
- 9 Where an animal is housed or kept in a run, the owner shall:
 - a. ensure the run be kept in a sanitary condition protecting the health and safety of the animal and any other living being;
 - b. ensure the run be constructed so that the total area is at least 3 times the length of the animal in all directions;
 - c. ensure a run on the owner's property is no closer than one (1) meter to a property line and five (5) meters from a dwelling unit located on an adjacent property;
 - d. not use a fence separating the owner's property from an adjacent property as one of the sides of the animal run;

- e. ensure that a run is constructed of material of sufficient strength and in a manner adequate to:
 - i. confine the animal; and
 - ii. prevent the entry of young children.
 - f. ensure that the run shall:
 - i. provide protection from the elements for the animal; and
 - ii. provide adequate light and ventilation for the animal.
- 10 If, in the opinion of the designated officer, the condition or location of a run is not in accordance with this bylaw, the designated officer may order the owner of the property to clean, alter, demolish or relocate the run within 30 days.

PART III NUISANCES

- 1 If an animal defecates on any public or private property other than the owner's property, the owner shall immediately remove the defecation and dispose of it in a sanitary manner.
 - a. Notwithstanding section 2, a person who owns and is physically reliant on a guide dog trained and used to assist such person is not required to immediately remove the defecation.
- 2 An owner or occupant of private property shall not allow animal feces to accumulate on the property so as to annoy or create a potential health risk to others.
 - a. A designated officer may serve an owner or occupant of private property with a notice to remove all animal feces from the property within seventy-two (72) hours of service of the notice.
 - b. If a notice under subsection 2(a) is not served personally on an owner or occupant of private property or posted on the property, then a copy of the notice shall be sent by registered mail to the owner of the property and deemed to have been received five (5) days following the date of mailing.
 - c. The RM may hire a contractor to remove the feces from the property if:
 - i. the person to whom the request is made fails to remove the feces within 72 hours; or
 - ii. after reasonable inquiry, the whereabouts of the owner or occupant of the property cannot be determined.
 - d. If the RM hires a contractor to carry out the work under subsection 2(c), the costs and expenses incurred are a debt due to the RM and the RM may recover costs and expenses by adding the costs and expenses to the taxes on the land on which the work was done.
- 3 No owner of a dog or cat shall allow the cat or dog to bark or howl so as to create a nuisance.
- 4 For the purposes of this bylaw, the factors for determining whether the barking or howling of a cat or dog has become a nuisance are as follows:

- a. proximity of barking or howling to sleeping facilities;
 - b. the land use, nature and zoning of the area from which the barking or howling emanates and the area where it is received or perceived;
 - c. the time of day or night the barking or howling occurs;
 - d. the duration of the barking or howling;
 - e. whether the barking or howling is the result of provocation;
 - f. the volume of the barking or howling;
 - g. where the barking or howling is recurrent, intermittent or constant; and
 - h. where two (2) households have submitted a 'barking dog log' identified as Schedule 'A'.
- 5 The following acts are deemed nuisance barking or howling violations of this bylaw *per se*:
- a. barking or howling which persists for a period of 15 consecutive minutes or longer; and
 - b. barking or howling which persists, intermittently, for a period of one hour or longer.
- 6 No animal shall, without provocation:
- a. bite a person or other animal;
 - b. engage in an act that injures a person or other animal;
 - c. chase or otherwise threaten a person or other animal, unless the person or animal being chased or threatened is a trespasser on the property of the owner;
 - d. chase people or other animals, bicycles, automobiles or other vehicles;
 - e. cause damage to property;
 - f. defecate, urinate or spray on private property, except with respect to the owner's property;
 - g. dig in flowerbeds and gardens or waste receptacles;
 - h. upset waste receptacles or scatter the contents;
 - i. trespass on private property, whether or not the animal is at large or leashed.
- 7 The owner of an animal shall take all measures to prevent any nuisance behaviour.
- 8 No person shall tease, entice, bait or throw objects at an animal confined within its owner's property.

PART IV

REGULATION AND CONTROL OF OTHER ANIMALS

- 9 No person within the Hamlet Residential shall keep any bees. The

Hamlet Acreage owners may keep honeybees known as Apismellifera, so long as they do not cause a nuisance for neighboring acreages.

- 10 Any person on an acreage keeping bees shall be permitted one (1) hive on their property.
- 11 Any person on an acreage keeping bees shall be required to clearly post on their property that bees are present.
- 12 No person keeping, or permitting bees to be kept on their property, shall fail to adequately maintain the bees such that the bees exhibit unduly defensive behaviour toward any other person while that person is on their own private or public property.
- 13 No person shall keep or harbour pigeons or livestock within the limits of the Hamlet.
- 14 No person shall herd cattle at any time within the limits of the Hamlet.

PART V DANGEROUS DOGS

- 1 No person shall own or keep a dog that has been found by a judge to be a dangerous animal within the limits of the Hamlet.

PART VI ENFORCEMENT, OFFENCES AND PENALTIES

- 1 When a designated officer has reason to believe that a person has contravened any provision of Parts II, III, IV or V of this Bylaw, the designated officer may issue a notice of violation to the person in contravention.
 - a. Where a Notice of Violation is issued, a person may make a voluntary payment of the fine amount listed in Schedule 'B' for that violation if the person does so before the specified date set out in the notice of violation.
 - b. Where the RM receives a voluntary payment of the prescribed amount in Schedule 'B' before a summons is issued, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
- 2 Any person who contravenes or fails to comply with any provision of Parts II, III, IV or V of this Bylaw or fails to comply with an order issued by a designated officer, is guilty of an offence and liable on summary conviction to:
 - a. a fine in the amount set out in Schedule 'B'; or
 - b. where a fine is not specified, to a fine of up to \$2,000 in the case of an individual, and \$5,000 in the case of a corporation.
- 3 For the purpose of determining the applicable fine required by subsection 2(a), 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 that particular animal.
 - a. Notwithstanding section 3, for offences relating to defecation, the

- applicable fine required by subsection 2(a), shall be determined by the number of Notices of Violation issued in relation to the same address.
- 4 A person who is guilty of an offence pursuant to Part V of this Bylaw is liable on summary conviction:
 - a. in the case of an individual, to a fine not exceeding \$10,000.00; or
 - b. in the case of a corporation, to a fine not exceeding \$25,000.00.
 - 5 A person desiring to appeal a conviction pursuant to this Bylaw shall, within seven days of the 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.
 - 6 Any payment required pursuant to this bylaw may be made at the RM Office.

Schedule B

Offence	Fine for 1st Offence	Fine for 2nd Offence	Fine for 3rd and Subsequent Offenses
Harbouring more than five (5) animals over the age of six (6) months	100.00	200.00	300.00
Allowing an animal to be at large	100.00	200.00	300.00
Failure to control an animal	100.00	200.00	300.00
Failure to remove defecation	250.00	500.00	750.00
Failure to comply with run standards	100.00	200.00	300.00
Failure to keep non-sterilized animal confined during a period of heat	250.00	300.00	350.00
Use of leg hold or foot trap	100.00	200.00	300.00
Failure to comply with an order of animal protection officer	100.00	100.00	100.00
Allowing nuisance barking	100.00	150.00	250.00
Harbouring prohibited bees	50.00	100.00	150.00
Harbouring prohibited pigeons	50.00	100.00	150.00
Harbouring prohibited livestock	50.00	100.00	150.00
Harbouring dangerous dog(s)	1000.00	2000.00	3000.00