

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 Deer Valley Animal Control Bylaw*

2. DEFINITIONS:

For the purpose of this bylaw, the expression:

- a) **act** means *The Municipalities Act*;
- b) **council** means the Rural Municipality of Lumsden Council;
- c) **designated officer** means a person employed or designated by the municipality to enforce the provisions of this bylaw;
- d) **dog** shall mean members of the canis genus species;
- e) **domestic animal** means animals that have been domesticated for companionship as a household pet, this includes but is not limited to dogs, cats ferrets, domesticated rabbits, snakes, rats, hamsters, guinea pigs, domesticated birds such as parrots, parakeets, budgies, etc.;
- f) **hamlet** means the Organized Hamlet of Deer Valley;
- g) **hamlet acreage** means larger properties located outside the parameters of 'hamlet residential';
- h) **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 Deer Crest Run to 204 Deer Valley Road;
- i) **leash** shall mean a suitable device connecting the dog to the owner and capable of restraining the dog;
- j) **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;
- k) **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;
- l) **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.
- m) **RM** means the Rural Municipality of Lumsden.

3. CONTROL

- a) If a domestic animal is found to be at large the owner shall be deemed to have permitted the domestic animal to be at large either willfully or by not providing adequate containment;
- b) A designated officer or any adult may restrain a domestic animal found at large and shelter them at their own expense until the owner is found and reclaims the animal or transport them to an animal shelter or rescue;
- c) A designated officer or any adult may restrain any domestic animal that is distressed and transport them to the Regina Humane Society.
- d) Any adult who restrains and transports a distressed animal to the Regina Humane Society shall be responsible for any associated fees.
- e) No person shall be permitted to use leg hold or foot hold traps in the Hamlet.

4. NUISANCES

- a) 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.
- b) 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.
 - i) 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.
 - ii) 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 owner of an animal shall take all measures to prevent any nuisance behaviour.
- d) No person shall tease, entice, bait or throw objects at an animal confined within its owner's property.

Threatening and Nuisance Behaviour

- a) An owner of a domestic animal shall ensure that such animals do 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 nuisance.
- b) For the purposes of this bylaw, the factors for determining whether the barking or howling of an animal has become a nuisance are as follows:
 - i) proximity of barking or howling to sleeping facilities;
 - ii) 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;
 - iii) the time of day or night the barking or howling occurs;
 - iv) the duration of the barking or howling;
 - v) whether the barking or howling is the result of provocation;
 - vi) the volume of the barking or howling;
 - vii) where the barking or howling is recurrent, intermittent or constant; and
 - viii) where two (2) households have submitted an 'Animal Noise Log' identified as Appendix "A".
- c) The following acts are deemed nuisance barking or howling violations of this bylaw *per se*:
 - i) barking or howling which persists for a period of 15 consecutive minutes or longer;
and
 - ii) barking or howling which persists, intermittently, for a period of one hour or longer.

Dangerous Dogs

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

Exemption

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



Handwritten signature and date: 2/1/2014

5. 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 the 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 Rural Municipality of Lumsden.

6. SEVERABILITY

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.

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

READINGS

Read a first time this 6th day of October, 2022.


Read a second time this 19th day of January, 2023.

Read a third time this 19th day of January, 2023.





Reeve



Chief Administrative Officer

**APPENDIX A
Animal Noise Log**

DESCRIPTION of Animal(s) _____

Breed(s) _____

Colour(s) _____

Name(s) _____

Civic Address of owner(s) of alleged animal(s) _____

<u>Date</u> D / M / Y	<u>Start Time</u> (am / pm) exact hr:min	<u>QUANTITY of BARKING / OBSERVATIONS DOG</u> (minutes, # of barks/howls, etc., how noise affects you, apparent cause of barking/howling, etc.)	<u>Animal Seen?</u> Y / N

Complainants must sign, date and include their address on the bottom of every page.

EVERY NOTATION MUST BE 100% FACTUAL AND 100% TRUTHFUL

Upon completion of log (any three days in any 10-day period) call the RM Lumsden Office for consideration of enforcement action:

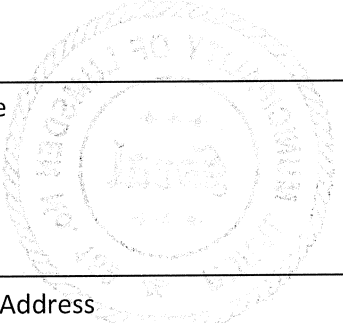
Complainants must be prepared to go to attend court to provide testimony if required. Animal noise logs are required from two (2) households before enforcement action will be taken.

Form Completed By (Print)

Signature

Date

My Civic Address



[Handwritten signature]
4

APPENDIX B
Bylaw No. 2022-10

OFFENCE PENALTIES:

Short Form Wording - Offence	Penalty First Offense	Penalty Second & Subsequent Offenses
Running at Large	\$200.00	\$300.00
Failure to clean up after animal	\$100.00	\$200.00
Bite a person or another animal	\$500.00	\$1,000.00
Act aggressively and cause physical injury	\$400.00	\$800.00
Chase a person or another animal	\$100.00	\$200.00
Cause damage to property	\$200.00	\$300.00
Cause a disturbance	\$200.00	\$400.00
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.



Form "A"
Bylaw No. 2022-10

Hamlet of Deer Valley
NOTICE OF VIOLATION

Owner's Name: _____

Owner's Address: _____

Date of Infraction Year	Month	Day	Time of Infraction Hours
--	--------------	------------	--

The owner of a domestic animal described as:

Breed Type:	
Colour:	
Sex:	
Other:	

DID COMMIT THE FOLLOWING CONTRAVENTION(S) OF THE PROVISIONS UNDER THE ANIMAL 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 RURAL MUNICIPALITY 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 Animal Control Bylaw by written appeal to the Council of the Rural Municipality of Lumsden.

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

[Handwritten Signature]
6