



RM of Torch River

BYLAW 01-2016

A BYLAW TO PROVIDE FOR THE CONTROLLING OF ANIMALS

Section 8 of the *Municipalities Act*

The Council of the Rural Municipality of Torch River No. 488, in the Province of Saskatchewan enacts as follows:

1. Short Title

1.1. This bylaw shall be referred to as "The Animal Control Bylaw".

2. Purpose

2.1. The purpose of this bylaw is to regulate certain animals and to maintain safety and preserve order with respect thereto within the Municipality.

3. Definitions

For the purpose of this bylaw, the following terms and words shall have the following meanings:

3.1. *Administrator* – shall mean the Administrator of the Municipality.

3.2. *Animal* – shall mean either a cat or dog or cat(s) and dog(s) as the case may be.

3.3. *Cat* – shall mean any cat, male or female, of every breed or classification or mixture of breeds over eight (8) weeks of age.

3.4. *Council*- shall mean the Council of the Municipality.

3.5. *Dangerous animal* means:

3.5.1. Any animal that, without provocation in a vicious or menacing manner, chases or approaches a person or domestic animal in an apparent attitude of attack:

3.5.2. The animal 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;

3.5.3. The animal has, without provocation, bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal; or

3.5.4. The animal is owned primarily or in part for the purpose of fighting or is trained for fighting.

3.6. *Designated officer* – shall mean the person or persons appointed by the council, the administrator or designate, to enforce the provision of this bylaw, or any person authorized to act on his/her behalf and including but not limited to a bylaw enforcement officer or a peace officer as defined in *The Criminal Code*.

3.7. *Dog* – shall mean any dog, male or female, of every breed or classification or mixture of breeds over eight (8) weeks of age.

3.8. *Owner* – includes:

3.8.1. A person, partnership, association or organization who keeps, possesses, harbours, or has care of or control of an animal;

3.8.2. The person responsible for, the custody of a minor where the minor is the owner of an animal.

3.9. *Municipality* – shall mean the Rural Municipality of Torch River No. 488.

3.10. *Running at Large* – shall mean when an animal is beyond the boundaries of the land occupied by the owner, possessor or harbourer of the said animal, or beyond the boundaries of any land where it may be with the permission of the owner or occupant of the said land and when it is not under control by being:

3.10.1. Directly attached to a leash and that leash is under the direct and continuous physical charge of a person competent to control it; or

3.10.2. Securely confined within an enclosure; or

3.10.3. Securely fastened so that it cannot roam beyond the boundaries of the owner's property.

4. Running at Large

4.1. No owner of an animal shall permit that animal to be running at large in the Municipality.

4.2 For the purpose of Court proceedings to enforce the provisions of this Bylaw, if an animal is found to be running at large, the owner shall be deemed to have permitted that animal to be at large unless the owner proves to the satisfaction of the Court that at the time of the offence, the owner did all that was reasonable to prevent the animal from being at large.

4.2. No person shall own, possess or harbour any animal which chases a motor vehicle or any other vehicle, or is at large in the municipality and who, while at large creates a disturbance to the annoyance or discomfort of other persons, or which causes injury to any person or domestic animal.

5. Dangerous Animals

5.1. No animal that has been declared dangerous by any Court in Canada or as ascribed by Section 375 of *the Municipalities Act* shall be permitted within the boundaries of the Municipality.

5.2. Upon notification, any designated officer may seize without warrant any animal that is a dangerous animal, and forthwith deliver such animal to a secure pound.

5.3. Any owner who keeps, possesses or harbours a dangerous animal as defined in section 3.5 shall

5.3.1 Keep the animal in an enclosure which shall be constructed of wood or any other material of sufficient strength and in a manner adequate to;

5.3.1.1. Confine the animal; and

5.3.1.2. Prevent the entry of children or any person.

5.3.2. If the animal is removed from the enclosure, it shall be leashed at all times and under control of a competent person or owner.

6. Order to Remedy Contraventions

6.1. If a designated officer finds that an owner or person is contravening this bylaw, the designated officer may, by written order, require the owner or the owner or occupant of the property to which the contravention relates to remedy the contravention.

6.2. Orders given under this bylaw shall be in accordance with section 364 of *The Municipalities Act*.

6.3. Orders given under this bylaw shall be served in accordance with section 390 (1) (a) (b) or (c) of *The Municipalities Act*.

6.4. A designated officer may seize and impound any animal which is in contravention of this bylaw.

7. Penalties

7.1. No person shall:

7.1.1. Fail to comply with an order made pursuant to this bylaw;

7.1.2. Obstruct or interfere with a designated officer or any other person acting under the authority of this bylaw; or

7.1.3. Fail to comply with any other provision of this bylaw.

- 7.2. Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on Summary Conviction:
- 7.2.1. In the case of an individual, to fine of not less than \$100 and not more than \$10,000.00 or imprisonment for not more than one year, or both; and
 - 7.2.2. in the case of a corporation, to a fine of not less than \$150 and not more than \$25,000.00 or imprisonment of the directors of the corporation for not more than one year, or both; and
 - 7.2.3. in the case of a continuing offence, to a maximum daily fine of not more than \$2,500.00 per day or any portion thereof.
- 7.3. Notwithstanding section 7.2, a designated officer who has reason to believe that a person has contravened any provision of this bylaw may serve on that person a Notice of Violation as set out in Schedule 'A' attached to this bylaw.
- 7.4. A violator being served with a Notice of Violation may voluntarily pay the prescribed penalty as set out in Schedule 'B' at the office of the administrator.
- 7.5. Where the administrator receives voluntary payment of the prescribed amount within the time specified in Schedule 'A', the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
- 7.6. Nothing in this section shall be construed to prevent any person from exercising his right to defend a charge of contravention of this bylaw.

[SEAL]

Reeve

Administrator



RM of Torch River

Schedule 'A'
Attached to Bylaw 01-2016

**Animal Control Bylaw
Notice of Violation**

Name: _____

Address: _____

DETAILS OF OFFENCE:

Date: _____ Time: _____ a.m. / p.m.

VIOLATION:

Nature of violation:

Location of Violation: _____

Penalty for above Violation: \$ _____ Date of issue of Notice: _____

ORDER TO REMEDY:

Designated Officer

You may make voluntary payment of the above penalty at the municipal office of the Rural Municipality of Torch River during regular officer hours or by mail within two (2) weeks form the date of service of this Notice of Violation.

If you do not make voluntary payment within the time set out above, you shall be liable to a summons to court and further prosecution.



RM of Torch River

Schedule 'B'
Attached to Bylaw 01-2016

**Animal Control Bylaw
Voluntary Payments**

Voluntary Payment	
\$50.00	First Offence
\$75.00	Second Offence
\$400.00	Third or more Offence