

**BYLAW NO. 377/2014**

**A BYLAW OF THE TOWN OF BALGONIE  
TO PROVIDE FOR DOG CONTROL**

The Council of the Town of Balgonie in the Province of Saskatchewan enacts as follows:

**1. In this Bylaw:**

**"Act"** means *"The Municipalities Act"*.

**"Administrator"** means the Administrator of the municipality.

**"Animal Protection Officer"** means: a person employed by the Regina Humane Society Inc. as an animal protection officer, a Town bylaw enforcement officer; a member of the R.C.M.P.

**"Animal Shelter"** means the facility designated by Council as the facility where: surrendered, relinquished or abandoned animals; animals apprehended by Animal Protection Officers; and animals requiring impoundment may be taken and kenneled.

**"At large"** means being on:

- a) public property unaccompanied by any person;
- b) public property accompanied but not under the complete control of a person by means of a leash; or
- c) private property without the permission of the owner or occupant of the property.

**"Council"** means the Council of the Town of Balgonie.

**"Director"** means the person who manages and supervises the Animal Protection Officers and the operation of the Animal Shelter on behalf of the organization appointed by Council to supervise and direct the operation of the Animal Shelter and the provisions of dog and dog control services for the Town.

**"Dog"** means either a male or female over 3 months old.

**"Dog run"** means a structure designed and/or used for the keeping or containment of a dog.

**"Leash"** means a restraint used to control a dog which restraint does not exceed 1.2 meters in length and is constructed of a material having a tensile strength of at least 140 kilograms.

**"Municipality"** means the municipal corporation of the Town of Balgonie and the area of land over which it has jurisdiction.

**"Non-sterilized dog"** means a dog which is capable of reproducing.

**"Owner"** means any person owning, possessing or keeping a dog.

**2. Dangerous Dog:**

- 1) No person shall within the boundaries of the municipality own, possess or harbour a "dangerous" dog. In this case, a "dangerous dog" shall mean:
  - a) any dog with a known propensity, tendency or disposition to attack without provocation, other domestic animals or humans; or
  - b) any dog which has bitten another domestic animal or human without provocation, or
  - c) no person shall keep, possess or harbour a dangerous dog within the corporate limits of the Town of Balgonie.

- 2) If a complaint is made that a dog has bitten or attempted to bite a person and it appears to a judge or justice of the peace hearing the complaint that the dog is dangerous the judge or justice of the peace may make an order:
  - a) directing that the dog be kept by the owner or keeper under proper control, or
  - b) directing that the dog be destroyed or naming a person to destroy the dog.

**3. Licensing:**

- 1) Every person within the municipality who owns, possesses, or harbours a dog over 3 months old shall:
  - a) annually obtain a dog licence from the Administrator, and pay the applicable fee, which is set out in Schedule A; and
  - b) cause the dog to wear, around its neck, the license tag issued pursuant to subsection (1) (a).
- 2) All licences issued under the provisions of this Bylaw:
  - a) shall expire on December 31<sup>st</sup> next following the date of issue; and
  - b) are non-transferable and non-refundable.

**4. General:**

- 1) No person residing within the municipality shall own, possess or harbour more than 2 dogs at one time.

**5. At Large:**

- 1) An Owner shall not allow his or her dog to be at large.
- 2) The Director shall receive and detain at the Animal Shelter any dog found at large.
- 3) An Animal Protection Officer or any adult may restrain a dog found at large and convey the dog to the Director at the animal shelter.
- 4) The person delivering a dog pursuant to subsection (1), shall provide the director with the name of the owner of the dog, if known, and the place and time of restraint.

**6. Defecation**

- 1) Where a dog has defecated on public property or private property within the Municipality without the consent of the owner of the property, the Owner of the dog shall immediately remove the defecation.
- 2) An Owner of a dog shall remove the dog's defecations from the Owner's property daily, and shall dispose of the defecation in a sanitary manner.

**7. Female Dogs**

- 1) An Owner of a non-sterilized female dog shall keep the dog indoors at all times during the period the dog is in heat.

**8. Dog Runs**

- 1) Where a dog is housed or kept in a dog run, the Owner shall ensure that the dog run is kept in a sanitary condition protecting the health and safety of the dog and any other living being.
- 2) An Owner shall ensure a dog run on the Owner's property is located no closer than 1 metre to a property line and no closer than 5 meters from a dwelling unit located on an adjacent property.

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- 3) An Owner shall ensure that a dog run on the Owner's property is constructed of material of sufficient strength and in a manner adequate to:
  - a) confine the dog; and
  - b) prevent the entry of children of tender years.
- 4) If, in the opinion of an Animal Protection Officer the condition or location of a dog run is not in accordance with this Bylaw, the Animal Protection Officer may order the owner of the property on which the dog run is located, to clean, alter, demolish or relocate the dog run within the time period specified in the order.
- 5) The person to whom an order is issued pursuant to subsection (1) will allow the owner of the property on which the dog run is located, at least 30 days to relocate or remove the dog run.

#### **9. Detainment and Release**

- 1) Where the Director has received a dog whose Owner is known, the Director shall,
  - a) Within 24 hours, provide notice to the Owner of the fact of the dog's detainment and the amount required to be paid in order for the dog to be released.
  - b) Notice in subsection (1) may be given by telephone or in writing.
- 2) An Owner or the Owner's agent may claim a detained dog by attending the Animal Shelter and providing the Director with proof of ownership or entitlement to the dog.
- 3) The Director shall not release a detained dog unless the:
  - a) Person claiming the dog can satisfy the Director that he or she is the Owner or the person entitled to possession of the dog; and
  - b) Director/Administrator has received the detainment fee as set out in Schedule A.
- 4) A dog may be considered to be relinquished to the Animal Shelter when a dog:
  - a) detained at the Animal Shelter, whose Owner is unknown, is not claimed and released within 72 hours from the time the dog was received at the Animal Shelter;
  - b) detained at the Animal Shelter, whose Owner is known, or where the dog appears to be a pure-bred, is not claimed and released within 10 days from the time the dog was received at the Animal Shelter; or
  - c) is surrendered to the Animal Shelter by its Owner.
- 5) The time requirements in subsection (1) do not include days during which the Animal Shelter is not open to the public.
- 6) Where a dog has been relinquished to the Animal Shelter, the Director may:
  - a) make the dog available for public adoption; or
  - b) destroy the dog by humane means.

#### **10. Penalties**

- 1) Every person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine in the amount set out in "Schedule A".

#### **11. Voluntary Payment**

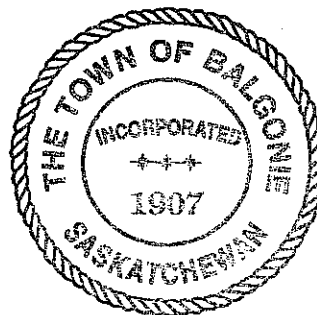
- 1) Where the Town has received the voluntary payment amount prescribed for the offence in "Schedule A", the owner will not be liable to prosecution for the alleged contravention of the Bylaw.

#### **12. General**

- 1) Any payment required pursuant to this Bylaw may be made at the Animal Shelter or at the Town Office.

**13. Repeal and Coming into Force**

- 1) Bylaw No. 348 and amendments thereto are hereby repealed.
- 2) This Bylaw shall come into effect on the day of its final passing.



*F. Kasper*  
MAYOR

*Valerie Hubbard*  
ADMINISTRATOR

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**SCHEDULE A**  
**FEES – VOLUNTARY PAYMENTS**

**LICENCE FEES**

ITEM	AMOUNT
Female dog over 3 months	\$20.00
Spayed female dog over 3 month	\$10.00
Male dog over 3 months	\$10.00

**IMPOUND FEES**

ITEM	AMOUNT
Impoundment Charge	\$40.00
Housing Charge	\$20.00/day or portion thereof for every day held

**FINES AND VOLUNTARY PAYMENT**

OFFENCE	VOLUNTARY PAYMENT
No current license	\$20.00
Allowing a dog to be at large	\$40.00
Failure to remove defecation	\$20.00
Failure to keep non-sterilized dog indoors while dog is in period of heat	\$20.00
Failure to comply with order of animal protection officer	\$20.00

*J.T.*