

BYLAW NO. 4 (2024)

A BYLAW OF THE TOWN OF BIENFAIT FOR THE REGULATING OF DANGEROUS DOGS

**Whereas** Section 8 of *The Municipalities Act* authorizes Council to license, regulate and control any animal or class of animals;

**And whereas** it is deemed in the public interest to regulate the keeping and disposition of dangerous dogs;

NOW THEREFORE THE COUNCIL OF THE TOWN OF BIENFAIT ENACTS AS FOLLOWS:

**TITLE AND PURPOSE**

1. This bylaw may be cited as "THE DANGEROUS DOG BYLAW".
2. The purpose of this bylaw is to promote the safety, health and welfare of people and the protection of people and property by providing pro-active evaluation of dogs and to ensure the humane treatment of dogs by regulating dangerous dogs within the Town of Bienfait.

**DEFINITIONS**

3. In this bylaw, in any amending bylaws, and in any schedules attached hereto, the following words and terms shall have with the following meanings unless there is something in the subject matter inconsistent therewith:
  - a) **"Town"** means the Municipal Corporation of the Town of Bienfait or, where the context requires, the geographical area within the town limits of the Town of Bienfait;
  - b) **"Bylaw Enforcement Officer"** means any person appointed as the Bylaw Enforcement Officer for the Town and includes any duly authorized representative or designate of such person;
  - c) **"Enclosure"** includes a dwelling place;
  - d) **"Evaluation Committee"** means three or more persons comprised of the Bylaw Enforcement Officer, a Veterinarian or, a Veterinarian Technician and a person whose occupation is such that they would have an expert opinion of a dog's temperament such as a Certified Animal Behaviorist.
  - e) **"Judge"** means a judge of the Provincial Court of Saskatchewan;
  - f) **"Owner"** includes:
    - (i) a person who keeps, possess or harbours a dog to which this bylaw applies;
    - (ii) the person responsible for the custody or a minor where the minor is the owner of a dog to which this bylaw applies;but does not include:
    - (iii) A veterinarian who is keeping or harbouring a dog to which this bylaw applies for the prevention, diagnosis or treatment of a disease or an injury to the dog;
    - (iv) the Town of Bienfait or a Humane Society with respect to a dog shelter or impoundment facility operated by either of them;
    - (v) a licensed boarding kennel.
  - g) **"Provocation"** means an act done intentionally for the purpose of provoking a dog, including entering the owner's property with the intent to commit a criminal offence.
  - h) **"Registered Veterinary Technologist"** means a member in good standing with both the

Saskatchewan Veterinary Medical Association and the Saskatchewan Association of Veterinary Technologists.

- i) **"Veterinarian"** means a member in good standing of the Saskatchewan Veterinary Medical Association.

#### **APPLICATION**

- 4. This bylaw shall apply to domestic dogs in the Town of Bienfait.

#### **DANGEROUS**

- 5. a) A dog is dangerous where it is proven that:
  - (i) The dog, without provocation, in a vicious or menacing manner, chased or approached a person or domestic animal in an apparent attitude of attack;
  - (ii) the dog has demonstrable propensity, tendency or disposition to attack without provocation, to cause injury, to show aggression or to otherwise threaten the safety of persons or domestic animals because of breeding, training, abuse, neglect or otherwise;
  - (iii) the dog has, without provocation, bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal;
  - (iv) it has been proven that the dog is owned primarily or in part for the purpose of dog fighting or is trained for dog fighting.
- b) For the purpose of this section, a dog is presumed not to have been provoked, in the absence of evidence to the contrary.

#### **EXEMPTION**

- 6. No dog shall be considered dangerous where an action described in Section 5 has occurred while the dog was:
  - a) acting in the performance of police work; or
  - b) working as a guard dog in or on commercial property;
    - (i) securely enclosed on the property by a fence or other barrier sufficient to prevent the escape of the dog and the entry of any unauthorized person; and
    - (ii) defending that property against a person who was committing an offense.
  - c) acting as an assist dog.

#### **PROTECTION AND EVALUATION**

- 7. a) The Bylaw Enforcement Officer(s) shall monitor dogs within the Town and the owner of any dog proven to have been involved in an incident as defined in Section 5 a) must:
  - (i) Ensure that the dog is muzzled and leashed in accordance with the provisions of Section 16, prior to the report from the Evaluation Committee, or
  - (ii) Ensure that the dog is either securely tethered or chained or in an enclosure on their property at all times where a person older than sixteen (16) years of age is present to control the dog.
- b) In the event that a report is received of a dangerous dog as defined in Section 5. a), the Town shall serve notice on the owner of that dog requiring the dog to be made available for examination by the Evaluation Committee at a time and place to be set forth in the Notice. The Notice shall also require that the owner follow the provisions of Section 7.a)

until such time as the evaluation is complete and an opinion as to the dog's temperament has been formed. The Notice shall be served:

- (i) in the case of an owner who is an individual:
    - (a) by delivering it personally to the owner; or
    - (b) by sending it by registered mail to the address at which the dog is located.
  - (ii) in the case of an owner that is a corporation:
    - (a) by sending it by registered mail to the registered office of the Corporation; or
    - (b) by delivering it personally to the manager, secretary or other executive officer of the corporation or the person in charge of any office or other place where the corporation carries on business in Saskatchewan.
  - (iii) A notice served in accordance with clause 7.b) (i) (b) or 7.b) (ii) (b) is deemed to have been served on the fifth day after the date of its mailing.
  - (iv) A notice served in accordance with clause 7.b) (i) (a) or 7.b) (ii) (b) is deemed to have been served on the day after the date of its delivery.
- c) If, after examining the dog, the Evaluation Committee is of the opinion that the dog has a demonstrable propensity, tendency, or disposition to attack without provocation, to cause injury, to show aggression or to otherwise threaten the safety of persons or domestic animals because of breeding, training, abuse, neglect, or otherwise, the owner shall remove the dog from town. An appeal of the Evaluation Committee's decision may be made to the Town of Bienfait within five (5) days from the date of this decision.
  - d) Any and all fees that are incurred by the Town of Bienfait for this evaluation to occur will be at the expense of the dog owner.
  - e) No owner of a dog receiving a Notice served pursuant to Subsection a) shall fail to present the dog to the Evaluation Committee at the time and place set forth in the said Notice.
  - f) Should the owner of the dog not permit this evaluation to be completed the committee shall consider the dog to be dangerous and the owner ordered to remove the dog from town immediately.

#### **DANGEROUS DOG HEARINGS**

- 8. a) If an appeal to the Evaluation Committee's decision is made that a dog is dangerous within the meaning of clause 5.a) (ii), subject to compliance with Section 7, a judge shall hold a hearing to determine if, based upon the evidence adduced at the hearing, including the evidence of the Evaluation Committee, the dog is in fact, dangerous.
- b) Notice of the hearing referred to in Section a) shall be served upon the owner of the dog. The notice shall be served:
  - (i) in the case of an owner who is an individual:
    - (a) be delivering it personally to the owner; or
    - (b) if the owner cannot conveniently be found, by leaving it for the owner at the owner's residence with a person at that residence who appears to be at least eighteen (18) years of age;
  - (ii) in the case of an owner that is a corporation:
    - (a) by sending it by registered mail to the registered office of the

corporation; or

- (b) by delivering it personally to the manager, secretary or other executive officer of the corporation or the person in charge of any office or other place where the corporation carries on business in Saskatchewan.
- c) Where an owner does not appear at the time and place appointed for the hearing after having been notified of that time or place, the judge may proceed *ex parte* to hear and determine the proceedings in the absence of the owner as fully and effectively as if the owner had appeared.
- d) If the judge is satisfied, on all evidence, that the dog is dangerous, the judge shall make an order embodying all of the following terms:
  - (i) the dog shall not be returned to town;
  - (ii) if the dog is moved to a different city or municipality, the owner shall notify the clerk or administrator of that city or municipality;
  - (iii) if the dog is to be sold, given away or otherwise disposed of the owner shall:
    - (a) notify the prospective owner that the dog has been declared dangerous, before it is sold or given away; and
    - (b) notify the Bylaw Enforcement Officer of the proposed disposition and of the name, address and telephone number of the prospective owner of the dog.
- e) Notwithstanding Subsection d), a judge may, in the alternative, order that the dog be destroyed or otherwise disposed of at the owner's expense and shall give directions with respect to the destruction or other disposition.
  - (i) A person desiring to appeal an order pursuant to this section shall, within seven (7) days of the order being appealed from, file a notice of appeal with Her Majesty's Court of Queen's Bench, and the provisions of Part XXVII of the Criminal Code apply with any necessary modifications.

#### OFFENCES AND PENALTIES

- 9. a) Any person who contravenes Section 7.a) of this bylaw is guilty of an offence.
- b) Any person who owns a dog for the purpose of dog fighting, or trains, torments, badgers, baits or otherwise uses a dog for the purpose of causing or encouraging the dog to make unprovoked attacks on a persons or domestic animals is guilty of an offence.
- c) Any person who does not comply with any part of an order made against him or her pursuant to subsection 8d) or 8e) is guilty of an offence.
- d) Any person who owns a dog that, without provocation, attacks, assaults, wounds, bites, injures or kills a person or domestic animal, is guilty of an offence.
- e) Any person who owns a dog that, without provocation, in a vicious or menacing manner, chased or approached a person or domestic animal in an apparent attitude of attack; is guilty of an offence.
- f) A person who is guilty of an offence pursuant to this Section is liable on summary conviction:
  - (i) in the case of an individual, to a fine not exceeding \$10,000.00, or imprisonment for not more than one year, or both;
  - (ii) in the case of a corporation, to a fine not exceeding \$25,000.00, or imprisonment of the directors of the corporation for not more than one year, or both.

- g) In addition to imposing the penalty under Subsection d), the judge may:
  - (i) make an order embodying the terms of Section 8.d)
  - (ii) make an order that the dog be destroyed or otherwise disposed of at the owner's expense and shall give directions with respect to the destruction or other disposition.
- h) A person desiring to appeal an order or conviction pursuant to this section shall, within seven days of the order or 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 modifications.
- i)
  - (i) Where an animal control officer or peace officer believes that a person has contravened the provisions of this bylaw, they may be personal service, serve or cause to be served upon such person a notice of violation in Form A as provided by this Section.
  - (ii) This notice in violation in Form A shall be in a form similar to that provided as Form A of this bylaw and shall indicate thereon the Section of the bylaw which was contravened and the amount of penalty to be paid as provided in Schedule "B" of this bylaw.
  - (iii) IF payment is not received as provided in Subsection c) hereof within the time prescribed, a summons shall be issued to the person alleged to have committed the offence and thereafter the provisions of this Section shall not apply with respect to that offence. A person to whom a notice of violation in Form A is being issued pursuant to this section shall furnish any Bylaw Enforcement or Peace Officer, upon request, with his or her name and address.

#### **ORDER BINDS SUBSEQUENT ORDER**

- 10. An order issued pursuant to Section 8 and 9 continues to apply if the dog is sold or given to a new owner or is moved to a different municipality.

#### **EXECUTION OF DESTRUCTION ORDER**

- 11.
  - a) Unless the owner otherwise agrees, every order for destruction of a dog shall state that it shall not be implemented for eight (8) days.
  - b) Where an appeal is taken against an order for the destruction of a dog, the application of the order is stayed pending the disposition of the appeal.
  - c) Regardless of the outcome of the appeal, the owner shall be responsible for the payment of the costs of impoundment of the dog pending the hearing.

#### **RETURN OF DOG**

- 12. Where the judge on an appeal overturns the order for destruction of the dog, the dog shall be released to the owner after the owner has paid the costs of impoundment of the dog pending the hearing.

#### **DESTRUCTION BY PEACE OFFICER**

- 13.
  - a) A peace officer as defined by the Criminal Code may destroy any dog that the officer finds injuring or viciously attacking a person or domestic dog.
  - b) A peace officer who, in good faith, destroys a dog pursuant to Subsection a) is not liable to the owner for the value of the dog.

#### **ENTRY AND SEARCH**

- 14. Subject to Division 5 of The Municipalities Act, supra, a peace officer, as defined by the

Criminal Code having reasonable grounds to believe that a dog is dangerous or has been ordered to be destroyed or otherwise disposed of and that dog is in or on any premises may enter the premises to search for the dog and impound the dog or, if there is an order to destroy or otherwise dispose of the dog, deliver the dog to the person appointed in the order to destroy or otherwise dispose of the dog.

#### **CHARGES MAY BE ADDED TO PROPERTY TAXES**

15. a) The Town may pay any costs for which the owner of a dog is responsible pursuant to this bylaw and may add the amount to the tax roll.
- b) If the amount is added to the tax roll of a parcel of land pursuant to subsection a), the amount:
- (i) is deemed for all purposes to be a tax imposed pursuant to The Municipalities Act, supra, from the date it was added to the tax roll.
  - (ii) forms a lien against the parcel of land in favour of the Town from the date it was added to the tax roll.

#### **CRITERIA FOR MUZZLE AND LEASH OR ENCLOSURE FOR DOGS PROPER TO THE REPORT FROM THE EVALUATION COMMITTEE**

16. Any dog that is required to be muzzled and leashed, or in an enclosure pursuant to Section 7, the dog shall be equipped with a muzzle and be secured by a leash in accordance with the following:
- a) the dog shall be fitted with a collar or harness that is of sufficient strength and is in good condition that is properly placed and fitted on the dog;
  - b) the movement of the dog shall be controlled by a person of more than sixteen (16) years old by the means of a leash attached to the collar or harness on the dog;
  - c) the leash shall not exceed 1.2 meters in length and shall be constructed of a material having tensile strength of, at least 140 kilograms;
  - d) the muzzle on the dog shall be properly fitted on the dog to prevent it from biting any dog or person
  - e) the muzzle shall be fitted on the dog in a manner that it will not interfere with the vision or respiration of the dog.
  - f) where the judge orders that a dog be kept in an enclosure pursuant to Section 8 or 9, the enclosure must comply with the following:
    - (i) the enclosure shall be constructed of steel or any other building material of sufficient strength and in a manner adequate to:
      - (a) confine the dog; and
      - (b) locked gate to prevent the entry of any unauthorized person;
    - (ii) the entrance and other areas by which entry to or exit from the enclosure may be made, shall be locked or fastened in a manner adequate to prevent the dog from escaping from the enclosure;
    - (iii) the enclosure must be at least 3 meters in length, 1.5 meters width and 1.8 meters in height;
    - (iv) the enclosure shall have a top secured to the sides of the enclosure;
    - (v) the enclosure shall:

- (a) have a floor secured to the sides of the enclosure; or
- (b) the sides of the enclosure shall be embedded in the ground to the depth of at least .6 meters;
- (vi) the enclosure shall:
  - (a) provide protection from the elements for the dog;
  - (b) provide adequate light and ventilation for the dog; and
  - (c) be kept in a sanitary and clean condition.

#### QUARANTINE

17. Where a dog has bitten a person or domestic animal, the owner of the dog shall, unless the dog is ordered to be destroyed, quarantine the dog for observation for symptoms of rabies for a period of not less than ten days in accordance with the Health of Dogs Act(Canada).

#### RABIES TEST OF DOGS

18. a) Every person who destroys a dog following the non-fatal biting of a person or domestic dog, whether the destruction is pursuant to an order of a judge or court of at the decision of the owner of the dog shall, if destruction is carried out before the completion of the quarantine period mention in Section 18, retain the head of the dog in a manner usable for testing the dog for rabies.
- b) Where a person destroys a dog in the circumstances described in Subsection a), the person shall immediately notify the Bylaw Enforcement Officer that he or she is in possession of the head of the dog to be tested for rabies.

#### COMING INTO FORCE


19. This bylaw shall come into force on the day of its final passing.

READ A THIRD AND FINAL TIME, APPROVED AND ADOPTED FOR USE BY THE TOWN OF BIENFAIT THIS 8th DAY OF May, 2024



TOWN OF BIENFAIT

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Administrator