

RURAL MUNICIPALITY OF MERVIN #499

BYLAW NO. 2023-10

A BYLAW OF THE RURAL MUNICIPALITY OF MERVIN #499 TO PROVIDE FOR THE CONTROL OF DANGEROUS ANIMALS

The Council of the Rural Municipality of Mervin #499, in the Province of Saskatchewan, enacts as follows:

1. TITLE

This bylaw may be cited as *The Dangerous Animals Bylaw, 2023*.

2. PURPOSE

The purpose of this bylaw is to:

- a. promote the health, safety, protection and welfare of the people and the protection of property;
- b. ensure the humane treatment of domestic animals;
- c. regulate and prohibit the keeping of dangerous animals within the RM of Mervin #499; and
- d. prohibit dog fighting.

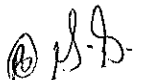
3. DEFINITIONS

In this bylaw:

- a. **"Animal Control Agency"** means the Animal Control Agency designated pursuant to *The Animal Control Bylaw, 1999*;
- b. **"Chief Administrative Office (CAO)"** means the person appointed as Administrator of the RM of Mervin #499 pursuant to section 110 of *The Municipalities Act*;
- c. **"Community Safety Officer (CSO)"** means the person appointed by the Province of Saskatchewan and the Municipality pursuant to Part V, section 76 of *The Police Act*;
- d. **"Judge"** means a judge or a justice of the peace of the Provincial Court of Saskatchewan or, in the case of an appeal, a judge of the Court of King's Bench for Saskatchewan;
- e. **"Muzzle"** means a device which:
 - i. covers the entirety of the jaws, mouth and nose of the animal;
 - ii. is capable of being securely fastened to prevent it from coming loose;
 - iii. is sufficiently strong and well-fitted to prevent the animal from biting;
 - iv. is humane and permits the animal to breathe, pant, drink and see; and
 - v. is commercially or professionally made.
- f. **"Owner"** includes:
 - i. a person who owns or has possession of, or control over, an animal to which this bylaw applies;
 - ii. the person responsible for the custody of a minor where the minor is the owner of the animal;

but does not include:

- iii. a veterinarian registered pursuant to *The Veterinarians Act, 1987* who has possession of, or control over, an animal for the purposes of preventing, diagnosing or treating a disease of or injury to the animal; or
 - iv. an animal shelter or pound under contract or appointed by the RM of Mervin #499, Society for the Prevention of Cruelty to Animals Inc.
- g. **"Poundkeeper"** means the Poundkeeper designated pursuant to *The Animal Control Bylaw, 1999*;



- h. **“Provocation”** means an act done intentionally for the purpose of provoking an animal to which this bylaw applies;
- i. **“RM of Mervin #499 (RM)”** means the Municipality to which this bylaw applies.

4. APPLICATION

This bylaw shall apply to domestic cats and dogs in the RM.

5. DANGEROUS ANIMALS

- a. An animal is dangerous where it is proved that:
 - i. the animal, without provocation, in a vicious or menacing manner, chased or approached a person or domestic animal in an apparent attitude of attack;
 - ii. 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;
 - iii. the animal has, without provocation, bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal.
- b. For the purposes of this Section, an animal is presumed not to have been provoked, in the absence of evidence to the contrary.
- c. In cases where an owner owns two or more animals and it is determined that one of the animals is dangerous within the meaning of subsection (a), but it is unknown which one of the animals is dangerous:
 - i. all of the animals that are suspected to be dangerous shall be deemed to be dangerous; and
 - ii. an order or interim order pursuant to Section 8 shall be made against all of the animals that are deemed to be dangerous, and each order shall include all of the same terms and conditions.
- d. In determining whether an animal is “suspected to be dangerous” within the meaning of subsection (c), a judge may consider all of the evidence, including the appearance of the animals and whether a person who is unfamiliar with the animals might reasonably mistake one of them for the other.

6. EXEMPTION FOR GUARD DOGS

No dog shall be considered dangerous where an action described in clause 5(a)(i), (ii) or (iii) occurred while the dog was:

- a. acting in the performance of police work; or
- b. working as a guard dog on commercial property:
 - i. securely enclosed on property by a fence or other barrier sufficient to prevent the escape of the dog and the entry of children of tender years; and
 - ii. defending that property against a person who was committing an offence.

7. FIGHTING DOGS CONSIDERED DANGEROUS

Notwithstanding the generality of Section 5, a dog is dangerous where it is proved that the dog is owned primarily or in part for the purpose of dog fighting or is trained for dog fighting.

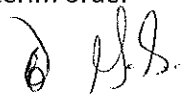
8. DANGEROUS ANIMAL HEARINGS

- a. If a complaint is made that an animal is dangerous, a judge shall hold a hearing to determine if, based upon the evidence adduced at the hearing, the animal is, in fact, dangerous.
- b. Notice of the hearing referred to in subsection (a) shall be served upon the owner of the animal. The notice shall be served:
 - i. In the case of an owner who is an individual:
 - 1. by delivering it personally to the owner; or



2. 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 18 years of age;
- ii. in the case of an owner that is a corporation:
 1. by sending it by registered mail to the registered office of the corporation; or
 2. 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 the evidence that the animal is dangerous, the judge shall make an order embodying all of the following terms:
 - i. if the owner removes the animal from the owner's property, the owner shall muzzle and leash it in accordance with the criteria prescribed in Section 17 and keep it under direct control and supervision;
 - ii. the owner shall inoculate the animal against rabies in accordance with the provisions of Section 18;
 - iii. the owner shall report the sale or other disposition of the animal to a designated officer appointed pursuant to Section 24;
 - iv. where the animal is moved to a different city or municipality, the owner shall notify:
 1. the administration of that city or municipality.
 where the animal is moved to a different address within the RM, the owner shall provide the RM with the owner's new address;
 - v. where the animal is to be sold or given away, the owner shall:
 1. notify any prospective owner that the animal has been declared dangerous, before it is sold or given away; and
 2. notify a designated officer appointed pursuant to Section 24 of the name, address and telephone number of any new owner of the animal;
 The owner shall, before a person handles the animal, notify the person that the animal has been declared dangerous;
 The owner shall:
 1. disclose the terms of the order to any person who has possession of or control over the animal;
 2. instruct any person who has possession of or control over the animal to comply with the terms of the order; and
 3. ensure that any person who has possession of or control over the animal complies with the terms of the order.
 4. The owner shall have the animal micro chipped in accordance with Section 19.
- e. An order pursuant to subsection (d) may also include any or all of the following terms:
 - i. the owner shall keep the animal in an enclosure which complies with the criteria prescribed in Section 20;
 - ii. the owner shall display signs in compliance with Section 21;
 - iii. the owner shall have the animal spayed or neutered;
 - iv. the owner shall take such other measures as the judge considers appropriate.

After a complaint has been made pursuant to subsection (a) and a proceeding has been initiated, a judge may, pending a determination of the matter or pending an appeal, make an interim order



including, with any necessary modification, any of the terms set out in subsections (d) and (e).

Notwithstanding subsection (d), a judge may, in the alternative, order that the animal be destroyed or otherwise disposed of at the owner's expense and shall give directions with respect to the destruction or other disposition.

If an order has previously been made with respect to an animal pursuant to this bylaw, the judge may issue an order pursuant to subsection (f) or vacate the previous order and issue a new order that is not less restrictive than the previous order.

- f. A person desiring to appeal an order pursuant to this Section, other than an interim order pursuant to subsection (e.i), shall, within seven days of the order being appealed from, file a notice of appeal with His Majesty's Court of King's Bench, and the provisions of Part XXVII of the *Criminal Code* apply with any necessary modification.
- g. To the extent that a term added to an order pursuant to subsection (e) conflicts with or limits the effect of a term mentioned in subsection (d), the term mentioned in subsection (d) prevails.

9. OFFENCES

- a. 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 persons or domestic animals is guilty of an offence.
- b. Any person who displays a prescribed sign warning of the presence of a dangerous animal and who is not acting in accordance with an order made pursuant to subsection 8(e) or 8(e.i) or has not received the permission of the RM to display the sign is guilty of an offence.
- c. Any person who does not comply with any party of an order made against them pursuant to subsection 8(d), (e), (e.i) or (f) is guilty of an offence.
- d. Any person who owns an animal that, without provocation, attacks, assaults, wounds, bites, injures or kills a person or domestic animal, is guilty of an offence.
- e. Notwithstanding any other provision of this bylaw, any person who was an owner of an animal at any time within the 30 days preceding the date of an offence mentioned in subsection (d) involving that animal may be charged with and convicted of that offence where the person:
 - i. knew or reasonably ought to have known that the animal has a past history of dangerous behaviour; and
 - ii. failed to disclose that knowledge to the person to whom the animal was given or sold.
- f. Any person who sells or gives away an animal without disclosing any knowledge of the animal's past history of dangerous behaviour is guilty of an offence.
- g. For the purposes of subsections (e) and (f), "**dangerous behaviour**" means any of the behaviours mentioned in Section 5 or any past involvement with dog fighting.

10. PENALTIES

- a. A person who is guilty of an offence pursuant to subsection 10(c) or 10(d) is liable on summary conviction to a fine of not less than the minimum penalty shown in Appendix "B" and:
 - i. in the case of an individual, not exceeding \$10,000.00 or imprisonment for not more than one year, or both; and
 - ii. in the case of a corporation, not exceeding \$25,000.00 or imprisonment of the directors of the corporation for not more than one year, or both.
- b. A person who is guilty of an offence for which a minimum penalty is not prescribed in the RM of Mervin #499 Fines and Penalties Policy: Appendix A 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; and

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- 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.
- c. In addition to imposing the penalty under subsection (a) or (b), the convicting judge shall make an order embodying the requirements of subsection 8(4).
- d. An order pursuant to subsection (c) may also include the requirements of subsection 8(e).
- e. Notwithstanding subsection (c), the judge may, in the alternative, order that the animal be destroyed or otherwise disposed of at the owner's expense and shall give directions with respect to the destruction or other disposition.
If an order has previously been made with respect to an animal pursuant to this bylaw, the judge may issue an order pursuant to subsection (e) or vacate the previous order and issue a new order that is not less restrictive than the previous order.
- f. 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 modification.

11. ORDER BINDS SUBSEQUENT OWNER

An order issued pursuant to Section 8 or 10(a) continues to apply if the animal is sold or given to a new owner or is moved to a different municipality.

12. IMPOUNDMENT OF DANGEROUS ANIMALS

- a. If an animal is impounded pursuant to Section 375 of *The Municipalities Act*, the RM may keep the animal impounded pending a judge's determination with respect to the animal.
- b. Subject to subsections (c) and (d), when a judge makes a determination with respect to an animal impounded pursuant to subsection (a), other than an order pursuant to subsection 8(f) or 10(e), the owner must:
 - i. retrieve the animal within the later of:
 - 1. 10 days after the date of the judge's determination;
 - 2. if the animal is ordered to be impounded until a later date, three days after that date; or
 - 3. if a judge makes the release of an impounded animal conditional upon the owner taking certain action by a certain date, such as building an enclosure for the animal, three days after the date set by the judge for completion of the action; and
 - ii. at the time of retrieving the animal, pay all fees set out in the RM's Fines and Penalties Policy: Appendix "A" as well as any other costs of impoundment, such as veterinary costs.
- c. If a determination mentioned in subsection (b) or an order made pursuant to subsection 8(f) or 10(e) is appealed, the RM may keep the animal impounded pending the disposition of the appeal, including any further appeal.
- d. If an appeal mentioned in subsection (c) does not result in the destruction of the animal, the owner must:
 - i. retrieve the animal within the later of:
 - 1. three days after expiry of any further appeal period;
 - 2. if the animal is ordered to be impounded until a later date, three days after that date; or
 - 3. if a judge on appeal makes the release of an impounded animal conditional upon the owner taking certain action by a certain date, such as building an enclosure for the animal, three days after the date set by the judge for completion of the action; and
 - ii. at the time of retrieving the animal, pay all fees set out in the RM's Fines and Penalties Policy: Appendix "A" as well as any other costs of impoundment, such as veterinary costs.

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- e. If an order of a judge or an appeal mentioned in subsection (3) results in the destruction of the animal, the owner of the animal shall be responsible for payment of all fees set out in the RM's Fines and Penalties Policy: Appendix "A" as well as any other costs of impoundment, such as veterinary costs.
- f. If the owner of an animal does not pay the fees and costs and retrieve the animal within the time period set out in subsection (b) or (d), as the case may be, the RM may dispose of the animal at the RM's discretion.
- g. Any fees or costs mentioned in this Section, including costs relating to disposal of an animal mentioned in subsection (f), are an amount owing to the RM by the owner of the animal.

13. EXECUTION OF DESTRUCTION ORDER

- a. Unless the owner otherwise agrees, every order for destruction of an animal shall state that it shall not be implemented for eight days.
- b. Where an appeal is taken against an order for the destruction of an animal, the application of the order is stayed pending the disposition of the appeal.

14. DESTRUCTION BY PEACE OFFICERS

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

15. ENTRY AND SEARCH

If a peace officer as defined by the *Criminal Code* or a designated officer has reasonable grounds to believe that an animal is dangerous or has been ordered to be destroyed or otherwise disposed of is in or on any premises, the peace officer or designated officer may enter the premises and search for and impound the animal in accordance with Section 378 of *The Municipalities Act*.

16. CHARGES MAY BE ADDED TO PROPERTY TAXES

- a. If a person owes the RM for costs incurred by the RM with respect to a dangerous animal, the RM may add the amount owing to the tax roll of any parcel of land for which the person is the assessed person.
- b. If an 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* from the date it was added to the tax roll; and
 - ii. forms a lien against the parcel of land in favour of the RM from the date it was added to the tax roll.

17. CRITERIA FOR MUZZLE AND LEASH FOR DANGEROUS ANIMALS

Where an animal that has been declared dangerous pursuant to Section 8 is removed from the owner's property, the animal shall be equipped with a muzzle and be secured by a leash in accordance with the following criteria:

- a. The animal shall be fitted with a collar or harness for the body that is properly placed and fitted on the animal;
- b. The movement of the animal shall be controlled by a person by means of a leash attached to the collar or harness of the animal;
- c. The leash shall not exceed 1.2 metres in length and shall be constructed of a material having a tensile strength of a least 40 kilograms.

18. INOCULATION OF ANIMALS

- a. Where an animal has been declared to be dangerous pursuant to Section 8, the owner of the animal shall, at the owner's expense and within ten days of the date of the order of the judge declaring the animal to be dangerous, have the animal inoculated against rabies by a veterinarian and provide proof to a designated officer that the animal has been inoculated.
- b. Where the owner of an animal provides proof that the animal has been inoculated against rabies during the period of 12 months prior to the date of the order, the owner is not required to comply with subsection (a) until the expiration of 12 months from the date of the inoculation of the animal or as otherwise recommended in writing by a licensed veterinarian.
- c. The owner of an animal shall have the animal inoculated within each 12-month period following the inoculation mentioned in subsection (a) or (b), or as may otherwise be recommended in writing by a licensed veterinarian during the lifetime of the animal.

19. MICRO CHIPPING OF DANGEROUS ANIMALS

Where an animal has been declared dangerous pursuant to Section 8, the owner of the animal shall, at the owner's expense and within ten days of the date of the order, cause the animal to be micro chipped by the Poundkeeper.

20. ENCLOSURES FOR DANGEROUS ANIMALS

If a judge orders pursuant to clause 8(e)(i) that an animal be kept in an enclosure, the enclosure must comply with the following criteria:

- a. The enclosure shall be constructed of wood or any other building material of sufficient strength and in a manner adequate to:
 - i. confine the animal; and
 - ii. prevent the entry of children of tender years;
- b. The entrances 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 animal from escaping from the enclosure;
- c. The enclosure shall be at least 3 metres in length, 1.5 metres in width and 1.8 metres in height;
- d. The enclosure shall have a top secured to the sides of the enclosure;
- e. The enclosure shall:
 - i. have a floor secured to the sides of the enclosure; or
 - ii. the sides of the enclosure shall be embedded in the ground to a depth of at least .6 metres;
- f. The enclosure shall:
 - i. provide protection from the elements for the animal;
 - ii. provide adequate light and ventilation for the animal; and
 - iii. be kept in a sanitary and clean condition.

21. SIGNS

- a. If a judge orders pursuant to clause 8(e)(iii) that an owner shall display a sign in accordance with the Section, the owner of the animal shall, within ten days of the date of the order of the judge, display a sign on the owner's premises warning of the presence of the animal in the form illustrated in Appendix "A".
- b. A sign required by subsection (a) shall be placed at each entrance to the premises where the animal is kept and on the enclosure in which the animal is confined.
- c. A sign required by subsection (a) shall be clearly visible and capable of being read from any adjacent public road.
- d. A sign required by subsection (a) shall be kept in good condition and in place as long as the animal resides at the premises regardless of whether the animal is physically present at the premises at any given time.

22. QUARANTINE OF ANIMALS

Where an animal has bitten a person or domestic animal, the owner of the animal shall, unless the animal is ordered destroyed, quarantine the animal for observation for symptoms of rabies for a period of not less than ten days.

23. RABIES TEST OF ANIMALS

- a. Every person who destroys an animal following the non-fatal biting of a person or domestic animal, whether the destruction is pursuant to an order of a judge or court or at the decision of the owner of the animal, shall, if the destruction is carried out before the completion of the quarantine period mentioned in Section 22, retain the head of the animal in a manner usable for testing the animal for rabies.
- b. Where a person destroys an animal in the circumstances described in subsection (a), the person shall immediately notify a veterinarian or a peace officer that he or she is in possession of the head of an animal to be tested for rabies.

24. APPOINTMENT OF DESIGNATED OFFICERS

- a. The Poundkeeper and the Animal Control Agency shall be designated officers for the purposes of this bylaw.
- b. The Poundkeeper and the Animal Control Agency are authorized to delegate enforcement of this bylaw to their employees.

25. REPEAL

Bylaw #96-6 shall be repealed.

26. COMING INTO FORCE

This bylaw shall come into effect on the day of its final passing thereof.



Gordon Spencer

 Reeve

Brada JF

 Administrator

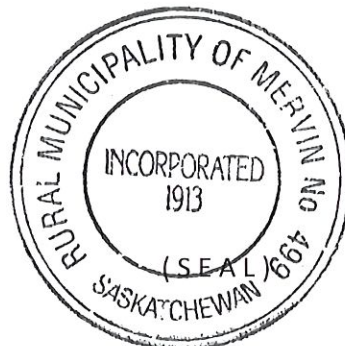
Certified a true copy of
 Bylaw No. 2023-10 adopted by
 resolution of Council this 8th
 day of March, 2023.

Gordon Spencer

 Reeve

Brada JF

 Administrator



Appendix "A"



DANGEROUS ANIMAL ON PREMISES

RM of Mervin #499 Bylaw No. 2023-10

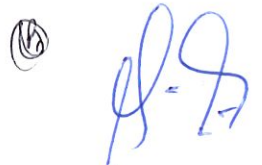
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Appendix "B"

Impoundment Fees for Cats and Dogs

Pound Fee \$250.00

Care and Sustenance Fee \$30.00 (plus GST) per day or portion thereof commencing at 12:00 AM on the day immediately following the day of impoundment.

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