

Town of Saltcoats

Bylaw No. 06-2011

A BYLAW OF THE TOWN OF SALTCOATS TO PROVIDE FOR THE PROTECTION AND WELL-BEING OF THE PUBLIC AND OF RESPONSIBLE DOG OWNERS THROUGH THE REGULATING AND LICENSING OF DOGS, THE RESTRAINING AND RUNNING AT LARGE OF DOGS AND THE IMPOUNDING OF DOGS RUNNING AT LARGE.

THE COUNCIL OF THE TOWN OF SALTCOATS ENACTS AS FOLLOWS:

1. In this Bylaw unless the context otherwise requires
 - a) "Council" shall mean the Council of the Town of Saltcoats.
 - b) "Dog" shall mean and include every dog of either sex over the age of three (3) months, and shall mean and include female dogs that have been spayed and any male dog which has been neutered.
 - c) "Owner" or "Keeper" shall mean any person who owns or harbours or suffers any dog to remain about his/her house, home, place of residence, or premises.
 - d) "Dog Catcher" shall mean any person engaged by the Town of Saltcoats whose prescribed duties include checking licences, and capturing and/or impounding dogs under the provisions of this Bylaw or a peace officer. The term "Dog Catcher" may also include the term "Pound Keeper" for the purpose of this Bylaw.
 - e) "Running at large" shall mean a dog which is beyond the boundaries of the land occupied by the owner or occupant of the said land and when it is not under control by being:
 - i. In direct and continuous charge of a person competent to control it or
 - ii. Securely confined within an enclosure or
 - iii. Securely fastened so that it cannot roam at will.
 - f) "Under control" shall mean a dog on a leash of not more than 8' (2.4meters) in length.
 - g) "Spay" shall mean to render a female dog infertile.
 - h) "Neuter" shall mean to render a male dog sterile.
 - i) "In heat" shall mean a female dog whose reproduction cycle is at the phase when the female is sexually receptive.

2.
 - a) Every person who owns, harbours, or has in his/her possession within the Town of Saltcoats a dog over the age of three (3) months shall, not later than the 31st day of January in each year or within ten (10) days of acquiring, obtain a licence for said dog from the Town Office. Such a licence expires on December 31st of the same year. Failure to purchase a licence shall constitute an offence under this Bylaw and subject to the penalty as shown in Schedule "B" of this Bylaw. The licence is not transferable to any other dog or owner.

- b) When applying for a licence the applicant shall provide the Town Administrator or designate/assistant with a description and photograph of the dog, the name and address of the owner or keeper of the dog, and any other relevant information that may be required by the Town Administrator.
 - c) When applying for a licence the applicant shall provide the Town Administrator or his/her designate/assistant with a certificate of a Veterinarian indicating that such dog has been vaccinated against rabies within two (2) years (24 months) of the date of application for a licence, or provide a letter from a Veterinarian indicating that such vaccination would be inadvisable for said dog.
 - d) When issuing a licence for a dog the Town Administrator or designate/assistant shall supply the applicant with a tag and a receipt for the licence and the said tag shall be attached to the collar to be worn around the neck of the dog. It shall be the responsibility of the owner, possessor, or harbourer of the said dog to see that the tag is affixed to the collar of the dog. A dog not displaying the tag shall be considered an unlicensed dog and subject to the penalty as per Schedule "B" of this Bylaw.
 - e) Every person who owns, possesses or harbours any dog within the Town shall on demand of the Pound Keeper, Dog Catcher, Peace Officer, or Town Administrator or designate/assistant, show his/her licence receipt or other evidence that he/she has paid the fee provided by this Bylaw for that particular year.
 - f) The annual fee for all dogs shall be in accordance with Schedule "A" attached hereto, which said schedule may from time to time be amended by resolution of Council.
 - g) Every applicant for a licence for a spayed female or neutered male dog must produce to the Town Administrator a certificate from a Veterinarian that such dog has been spayed or neutered to receive the spayed/neutered rate as per schedule A.
3. Every person being the owner or keeper of a dog found running at large in the Town of Saltcoats shall be considered to have committed a breach of this Bylaw and subject to the penalty as shown in Schedule "B" of this Bylaw.
4. No female dog shall be allowed to run at large under any circumstances while in heat. Failure to comply with this section shall be considered to have committed a breach of the Bylaw and be subject to the penalty as shown in Schedule "B" of this Bylaw.
5. Every person being the owner or keeper of any dog chasing and/or barking at bicycles, riding toys, motor vehicles or pedestrians, or creating a nuisance to any person by barking or howling, shall be considered to have committed a breach of this Bylaw, and be subject to the penalty as shown in Schedule "B" of the Bylaw.

6.
 - a) Every person who contravenes any provisions of this Bylaw, or neglects or refuses to comply therewith, is guilty of an offence, and is liable on summary conviction to a fine in the amount set out in Schedule "B" plus any pound fees/day as applicable.
 - b) A notice of violation may be served as provided by this section either personally or by mailing or leaving same at the last known address of the violator and such service shall be adequate for the purpose of this Bylaw.
 - c) Such notice shall be deemed to have been served on the fifth day following it's posting as registered mail; or such notice shall be deemed to have been served on the day of actual delivery, if the notice is served personally or left at the last known address of the violator.
 - d) A violator of this Bylaw upon being served a notice of violation may voluntarily pay his/her penalty at the Town Office at Saltcoats, SK.
 - e) If a violator does not voluntarily pay the penalty provided within seven (7) days of being served the notice of violation, the said violator shall be liable on summary conviction to the penalties imposed in the General Penalty Bylaw # 3-2004 of the Town of Saltcoats.
 - f) Where any person contravenes the same provision of this Bylaw two (2) or more times within one twelve (12) month period, the specified penalty payable in respect of the second is double the amount shown in Schedule "B" of the Bylaw in respect of that provision. Each subsequent contravention in a twelve (12) month period shall result in the doubling of the previous penalty charged. The twelve(12) month period shall begin on the date of the first contravention.
 - g) In the event of any dog owner or keeper contravening regulations relating to a dog or dogs running at large and being assigned a penalty for that contravention three (3) or more times the said owner shall be required to have his / her dog or dogs enclosed as per Schedule "C".
7. It shall be the duty of the Dog Catcher and such other persons as are designated by the Town Council, to capture dogs running at large contrary to the provisions of this Bylaw and to confine such dogs in a facility operated and maintained by the Town, or to deliver such dog or dogs to any other person or organization operating and maintaining such facility on behalf of or as an agent of the Town.
8. Where the dog impounded is wearing a collar to which is attached a licence tag valid for the current year, the pound keeper or the Town Administrator or designate/assistant shall immediately give telephone or written notice to the owner or keeper at the address shown on the records made when the licence was purchased. No liability whatsoever shall attach to the Town, the Administrator or the Pound Keeper by reason of the failure of the owner or keeper to receive such notice.

9. A dog impounded where the owner or keeper cannot be identified, will be sent to a designated holding facility. They will be held for up to seventy two (72) hours at the contracted rate per day as well as a set re-claim fee. If the dog remains unclaimed after seventy two (72) hours, all rights will be relinquished to:
 - i. A designated holding facility
 - ii. A designated animal handling organization

The per day housing fee as well as the re-claim fee will be the responsibility of the pet owner and must be paid prior to the release of the dog from the vet clinic.

10. The dog catcher shall keep a record of all dogs impounded in accordance with the provisions of the Bylaw, and the disposition of such dogs.
11. It shall be the duty of the pound keeper to provide each dog impounded under the authority of this Bylaw an adequate supply of shelter, food and fresh water during such confinement in the pound, and to maintain clean and properly ventilated pens or enclosures for impounded dogs.
12.
 - a) If upon information or complaint, it is alleged that a dog has bitten or attempted to bite any person, the Magistrate, or Justice of the Peace having cognizance of such complaint may, if it appears to him/her that such a dog is dangerous, either order the owner or keeper of such dog to keep the said dog under proper control, or order such owner or keeper to deliver such dog over to any constable or other person to be destroyed.
 - b) In the event of the owner or keeper of such dog not being known or not being before the Court, the Magistrate, or Justice of the Peace may direct any person to seize and destroy such dog.

Provided that where a Magistrate or Justice of the Peace has made an order for a dog to be kept under proper control by the owner or keeper, the said dog shall not thereafter be allowed to be on any street or in any public place, or on any private grounds other than the premises of the owner or keeper, unless the said dog is securely enclosed in a kennel or similar cage.

13. The owner of any dog designated dangerous by the Magistrate, or Justice of the Peace, or against whom any order requires that the owner is charged to keep the said dog under proper control, shall keep the said dog in a secured enclosure as described in Schedule "C".

This latter stipulation regarding secure enclosures, shall also apply to any Rottweiler, Pit Bull, Doberman Pinscher, Boxer, Husky, Chow Chow, Canid Hybrid or any mixed breed of these dogs, licenced within the Town of Saltcoats prior to September 1, 2011.

Rottweiler, Pit Bull, Doberman Pinscher, Boxer, Husky, Chow Chow, Canid Hybrid or any mixed breed of these dogs, are prohibited after September 1, 2011

Notwithstanding the above clause, Council may offer exemption in full or part to certain individuals with regard to this clause, providing that they can provide adequate assurance that public safety will not be compromised and that responsible dog ownership / harbourage can be guaranteed. In considering such exemptions, Council will in part, be guided by an owner's or keepers record of responsible pet ownership / harbourage whether in Saltcoats or in other communities, and by such things as a specific dog's history of behaviour, and by the recommendations of a licenced and practicing veterinarian or such other information as would contribute to a fair and informed consideration of such a request for exemption. Such exemption may be immediately suspended should other aspects of the Bylaw not be honoured or should the dog(s) in question constitute, or be perceived to constitute, a safety concern within the community.

14. In the event of any owner or keeper failing to comply with any order by a Magistrate or Justice of the Peace under Section 13 of this Bylaw, he/she shall be liable on summary conviction to a penalty of fifty dollars (\$50.00) for every day during which such default occurs.
15. In any proceeding before a Magistrate under the provisions of this Bylaw, ownership of a dog or the keeper of a dog shall be prima facie established by submission to the Magistrate of a certificate of the dog catcher stating on his/her information and belief who is the owner of the dog in question, or who is the keeper of the dog in question, and upon receipt of such certificate by the Magistrate, the onus of proof of ownership or the onus of proof of keeper shall be shifted to the person named in the certificate to show that he or she is not the owner of the dog in question or is not the keeper of the dog in question.
16. Litter Clean up
 - a) If a dog defecates on any public or private property, other than the property of its owner, the owner of the dog or the keeper of the dog shall cause such defecations to be removed immediately in a sanitary fashion.
 - b) An owner or occupant of property shall not allow feces to accumulate on the said property so as to create a health hazard.
17. No person shall keep more than three (3) dogs over the age of three (3) months in or about any dwelling/business unit, and shall upon the request of the Town Administrator or Enforcement Officer, disclose the number of dogs being kept on or in his/her land or buildings.

Bylaw No 08-2007 of the Town of Saltcoats is hereby repealed.

This Bylaw shall come into force and take effect immediately upon being adopted.

Dated this __ day of _____, 2011.

Mayor

Administrator

Certified a true copy
Of Bylaw No 06-2011
Adopted by resolution of
Council on the __ day of
_____, 2011.

Administrator

Bylaw No 06-2011
(Aka – “The Dog Bylaw”)

Schedule A

Annual Licence Fee for Dogs

Males	\$25.00
Females	\$25.00
Spayed/Neutered Dogs	\$10.00
Replacement of lost tag	\$5.00

Schedule B

Offence Penalties

Offence Under	Offence	Amount
Section 2(a)	Unlicensed Dog	\$100.00
Section 2(d)	Dog not wearing licence	\$25.00
Section 3	Dog at large	\$100.00
Section 5	Permitting a Dog to become a nuisance by barking	\$150.00
Section 16(a)	Defecation – on property other than owner or keeper without removing it	\$100.00
Section 16(b)	Defecation – Allowing animal feces to accumulate on property	\$100.00
Section 4	Fail to keep female dog in heat housed securely	\$200.00

Schedule C

Enclosures

For the purpose of sub clause Section 13 of Town of Saltcoats Bylaw No. 06-2011, the enclosure in which the animal is to be kept must meet 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 three (3) meters in length, one and one half (1.5) meters in width and one and eight tenths (1.8) meters 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. Have sides that are embedded in the ground to a depth of at least six tenths (0.6) of a meter;
- 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.