

Village of Vibank

The Responsible Pet Ownership Bylaw:

Village of Vibank

Bylaw 2024-05

A BYLAW TO PROVIDE FOR RESPONSIBLE PET OWNERSHIP

Under the authority granted by clause 8(1)(k) of The Municipalities Act, SS 2005, c M-36.1, The Council for the Village of Vibank in the Province of Saskatchewan enacts as follows:

Title

- 1 This bylaw shall be referred to as *The Responsible Pet Ownership Bylaw*

Part I Definitions

Interpretation

- 2 In this bylaw,

(1) **act** means The Municipalities Act;

(1.1) **aggressive animal** means an animal who has not been declared dangerous by a judge pursuant to section 375 of the act but has displayed aggressive behavior including, but not limited to:

(a) without provocation, in a vicious or menacing manner, chases or approaches a person or domestic animal in an apparent attitude of attack;

(b) any animal having an inclination, tendency or disposition to attack without provocation to cause injury or to otherwise threaten the safety of persons or domestic animals;

(c) any animal which without provocation has bitten, inflicted injury or otherwise attacked a person or domestic animal;

(d) any animal owned primarily or in part for the purpose of animal fighting or is trained for animal fighting;

but does not include:

(e) any animal acting in the performance of police work;

(f) any animal working as a guard animal on a commercial property that is enclosed on that property to prevent the escape of the animal or entry of children and is defending that property against a person committing an offense;

(2) **at large** any animal that is off the premises or boundaries of the land occupied by the owner, unless the animal is both on a leash not exceeding two meters in length and is under proper control;

(3) **attack** means an assault resulting in bleeding, bone breaking, sprains, serious bruising or multiple injuries;

(4) **bite** means a wound to the skin causing it to bruise, puncture or break;

(5) **cat** means any domestic feline animal;

(6) **collar** means any device made of any material capable of having metal tags securely fastened to it, and designed and solely intended to be worn around the neck of a dog or cat;

(7) **council** means the council of the Village of Vibank;

(8) **dangerous dog** or **dangerous animal** means an animal that is declared dangerous by a judge pursuant to section 375 of the act;

(9) **designated officer** means a person employed or designated by the town to enforce the provisions of this bylaw;

(10) **distressed animal** means any animal that is:

(a) deprived of adequate food, water, shelter, ventilation, light space, exercise, care or veterinary treatment;

(b) kept in unsanitary conditions;

(c) not protected from excessive heat or cold;

(d) injured, sick, in pain or suffering; or

(e) abused or neglected;

(11) **dog** means any domestic canine animal;

(12) **domestic animal** means animals that have been domesticated for companionship as a household pet, this includes but is not limited to dogs or cats;

(13) **Fee Bylaw** means any bylaw or amendment adopted by the town to provide for establishing fees for municipal services;

(14) **leash** means any chain, rope, strap or similar device attached to the collar or harness of an animal, no longer than two (2) metres, especially a dog, and is used to lead or hold it in check;

(15) **license** means a license issued by the town in accordance with the provisions of this bylaw;

(16) **livestock** means:

(a) a horse, mule, ass, swine, emu, ostrich, camel, llama, alpaca, sheep or goat;

(b) domestically reared or kept deer, reindeer, moose, elk or bison;

(c) farm bred fur bearing animals including fox and mink;

(d) animals of the avian species including chicken, turkey, duck, goose or pheasant;

(e) all other animals that are kept for agricultural purposes;

but does not include cats or dogs or other domesticated household pets;

(17) **municipal tag** means a tag or similar document issued by the town;

(18) **non-sterilized** means capable of reproducing;

(19) **nuisance** means behaviour by an animal or owner that negatively impacts another person or animal. Including, but not limited to, fighting, defecating or spraying on private property without the permission of the owner, howling or hissing at night, digging in flower beds or garbage containers, mounting, defecation, and trespassing on private property;

(20) **off-leash dog park** means an area or parcel designated by the municipality as an off-leash park;

(21) **owner** includes:

(a) a person who owns or has possession of, or control over, an animal;

(b) the person responsible for custody of a minor where the minor is the owner of the animal; and

(c) any person who regularly provides food, water, or shelter to a stray or abandoned animal

but does not include:

(d) a veterinarian pursuant to The Veterinarians Act, 1987 who is keeping or harbouring an animal to which this Bylaw applies for the prevention, diagnosis or treatment of a disease or injury to the animal; or

(e) an animal shelter or pound;

(22) **pigeon** means a bird of the species *Columbia livia*, commonly known as the domestic pigeon, and includes pigeons raised for the purpose of racing or for the purpose of show, but excludes feral or wild pigeons;

(23) **police service dog** means a dog that:

(a) is owned by any public law enforcement; and

(b) has been specially trained for the performance of police work and is under the control and supervision of a member of a public law enforcement agency;

(24) **properly restrained** means the animal is:

(a) being carried by a person capable of restraining the size and strength of the particular animal;

(b) being confined in a kennel or like container, properly latched or locked; or

(c) being restrained by a person capable of restraining the size and strength of the specific animal by means of a leash;

(25) **provocation** means an act done intentionally for the purpose of provoking an animal;

(26) **residential district** means any area within the town limits that is classified according to the town's Zoning Bylaw;

(27) **run** means a structure designed and used for the keeping or containment of an animal;

(28) **rescue group** means a not-for-profit or charitable organization whose mandate and practices are predominately the rescue and placement of animals, and facilitating the spaying or neutering of animals, for animal welfare purposes;

(29) **service dog** means any dog with specialized training to assist any person with a recognized disability. Emotional support animals or therapy animals, which provide therapeutic benefits, but do not have specialized training to provide services for a disabled person, are not considered a service dog under this bylaw;

(30) **SPCA** means the Society for the Prevention of Cruelty of Animals, in the Province of Saskatchewan;

(31) **sterilized** means incapable of reproducing;

(32) **village** means the Village of Vibank;

(33) **village manager** means the administrator of the municipality;

(34) **Zoning Bylaw** means any bylaw or amendment adopted under The Planning and Development Act, 2007 by the village to regulate zoning and development.

PART II LICENSING

3 No person shall own, keep or harbour any dog or cat over the age of six (6) months for a period of more than four (4) weeks within the town unless it is registered under this bylaw.

4 Every owner of a dog or cat shall:

- (1) obtain a municipal tag from the village; and
- (2) cause the animal to wear the municipal tag issued pursuant to clause (1).

5 For the purposes of licensing there shall be the following classes of licenses:

- (1) sterilized dog or cat;
- (2) non-sterilized dog or cat; and
- (3) service dog.

6 When applying for registration of a dog or cat under this bylaw, the owner shall provide the following:

- (1) description of the animal, including breed, colour, name, gender and age;
- (2) name, address, telephone number(s) of the owner and email address if any;
- (3) where the owner is a corporate body, the name, address and telephone number(s) of the natural person responsible for the dog or cat;
- (4) if available, the current vaccination records;
- (5) for a sterilized dog or cat license, information establishing that the dog or cat is sterilized;
 - (a) notwithstanding subsection 6(5), where the owner of a dog or cat can provide evidence to the town that, because of the dog or cat's health, age or disability, sterilization of the dog would be detrimental to the dog or cat's health, the owner may pay the sterilized animal license fee.
- (6) the registration fee for each dog or cat as set out in the Fee Bylaw or any amendments;
- (7) for a service dog license, a copy of the certification showing that the dog is a service dog;

(8) if a dog has been previously determined to be a dangerous dog by the court in Saskatchewan or any other municipality, province or country;

(9) any other information the town may require.

7 Any owner who requires replacement of a municipal tag shall pay the replacement fee as set out in the Fee Bylaw.

8 No person shall give false information when registering their dog or cat pursuant to this bylaw.

9 An owner shall notify the village of any change with respect to any information provided in an application for registration under this bylaw.

10 A license pursuant to this bylaw is non-transferable and non-refundable.

11 A license issued under this bylaw is effective on the date of issuance of the license.

12 Any person may foster cats or dogs so long as:

(1) the dog is not a dangerous dog; and

(2) the dog or cat does not create a nuisance to adjacent property owners.

13 No person shall own or harbour in a single dwelling more than five (5) animals over the age of six (6) months.

(1) Active or retired service dogs and/or active or retired police dogs are not counted toward the limit of five (5) animals.

(2) No more than three (3) dogs may make up the composition of the five(5) animal limit.

PART III CONTROL

14 No owner shall allow their animal to be at large.

(1) An owner shall have complete control of their animal by physical means at all times.

(2) No owner shall allow a minor to be in control of the leash of an animal that the minor is not able to physically control.

15 If a dog or cat is found to be at large the owner shall be deemed to have permitted the cat or dog to be at large either willfully or by not providing adequate containment.

16 Notwithstanding section 15, where a dog is on public property that has been designated as an "Off Leash Dog Park", the dog will not be considered to be at large so long as the owner meets the following requirements:

- (1) the dog is accompanied by the owner at all times;
- (2) the owner has complete control of the dog either by physical or verbal means at all times;
- (3) the owner ensures that his or her dog is in compliance with all signs posted at the off-leash dog park;
- (4) the dog has not been designated as a nuisance or dangerous dog; and
- (5) in the event the dog becomes a nuisance or displays any signs of aggressive behaviour the owner shall immediately restrain the dog by placing the dog on a leash and removing the dog from the area.

17 Notwithstanding section 15, the designated officer may grant an exemption for an event, such as a dog agility or other controlled dog event where dogs involved in that event will not be considered to be at large as long as the owner meets the following requirements:

- (1) the dog remains in the designated event area while not on a leash;
- (2) the owner uses the designated off-leash location in accordance with the periods of time and hours of the event and all other event requirements as identified by the town;
- (3) the owner has complete control of the dog by either physical or verbal means at all times; and
- (4) the dog has not been designated a nuisance or dangerous dog.

18 A designated officer or any adult may restrain a dog found at large and transport them to an animal shelter or rescue.

19 A designated officer or any adult may restrain a cat found at large and shelter them at their own expense until the owner is found or the animal can be surrendered to an animal shelter or rescue.

20 A designated officer or any adult may restrain any dog or cat that is a distressed animal and transport them to the Regina Humane Society.

- (1) Any adult who restrains and transports a distressed animal to the Regina Humane Society shall be responsible for any associated fees.

21 The owner of a non-sterilized female animal shall be confined on their owner's property at all times during the period the animal is in heat.

22 Where an animal is housed or kept in a run, the owner shall:

- (1) ensure the run be kept in a sanitary condition protecting the health and safety of the animal and any other living being;
- (2) ensure the run be constructed so that the total area is at least 3 times the length of the animal in all directions;

- (3) ensure a run on the owner's property is no closer than one (1) meter to a property line and five (5) meters from a dwelling unit located on an adjacent property;
- (4) not use a fence separating the owner's property from an adjacent property as one of the sides of the animal run;
- (5) ensure that a run is constructed of material of sufficient strength and in a manner adequate to:
 - (a) confine the animal; and
 - (b) prevent the entry of young children; and
- (6) ensure that the run shall:
 - (a) provide protection from the elements for the animal; and
 - (b) provide adequate light and ventilation for the animal.

23 If, in the opinion of the designated officer, the condition or location of a run is not in accordance with this bylaw, the designated officer may order the owner of the property to clean, alter, demolish or relocate the run within 30 days.

PART IV NUISANCES

24 If an animal defecates on any public or private property other than the owner's property, the owner shall immediately remove the defecation and dispose of it in a sanitary manner.

- (1) Notwithstanding section 28, a person who owns and is physically reliant on a guide dog trained and used to assist such person is not required to immediately remove the defecation.

25 An owner or occupant of private property shall not allow animal feces to accumulate on the property so as to annoy or create a potential health risk to others.

- (1) A designated officer may serve an owner or occupant of private property with a notice to remove all animal feces from the property within seventy-two (72) hours of service of the notice.
- (2) If a notice under subsection 25(1) is not served personally on an owner or occupant of private property or posted on the property, then a copy of the notice shall be sent by registered mail to the owner of the property and deemed to have been received five (5) days following the date of mailing.
- (3) The town may remove the feces from the property if:

(a) the person to whom the request is made fails to remove the feces within 72 hours; or

(b) after reasonable inquiry, the whereabouts of the owner or occupant of the property cannot be determined.

(4) If the town carries out work under subsection 25(3), the costs and expenses incurred are a debt due to the town and the town may recover costs and expenses by adding the costs and expenses to the taxes on the land on which the work was done.

26 No owner of a dog or cat shall allow the cat or dog to bark or howl so as to create a nuisance.

27 For the purposes of this bylaw, the factors for determining whether the barking or howling of a cat or dog has become a nuisance are as follows:

- (1) proximity of barking or howling to sleeping facilities;
- (2) the land use, nature and zoning of the area from which the barking or howling emanates and the area where it is received or perceived;
- (3) the time of day or night the barking or howling occurs;
- (4) the duration of the barking or howling;
- (5) whether the barking or howling is the result of provocation;
- (6) the volume of the barking or howling; and
- (7) where the barking or howling is recurrent, intermittent or constant.

28 The following acts are deemed nuisance barking or howling violations of this bylaw *per se*:

- (1) in residential districts, barking or howling which persists for a period of 15 consecutive minutes or longer; and
- (2) in residential districts, barking or howling which persists, intermittently, for a period of one hour or longer.

29 No animal shall, without provocation:

- (1) bite a person or other animal;
- (2) engage in an act that injures a person or other animal;
- (3) chase or otherwise threaten a person or other animal, unless the person or animal being chased or threatened is a trespasser on the property of the owner;
- (4) bark at, chase people or other animals, bicycles, automobiles or other vehicles;
- (5) cause damage to property;
- (6) defecate, urinate or spray on private property, except with respect to the owner's property;

(7) dig in flowerbeds and gardens or waste receptacles;

(8) upset waste receptacles or scatter the contents;

(9) trespass on private property, whether or not the animal is at large or leashed.

30 An owner shall make a report within twenty-four (24) hours if the owner's animal bites or attacks a person or another animal by providing the owner's name and the animal's license number, or description, to the person, or the person whose animal, who was bit or attacked and by providing that information to a designated officer.

31 The owner of an animal shall take all measures to prevent any nuisance behaviour.

No person shall:

(1) untie, loosen or otherwise free an animal which has been tied or otherwise restrained;

(2) negligently or willfully open a gate, door or other opening of a fence or enclosure in which an animal has been confined and thereby allow an animal to run at large in the village; or

(3) tease, entice, bait or throw objects at a confined animal.

PART V REGULATION AND CONTROL OF OTHER ANIMALS

32 No person shall keep any bee other than honey bees known as *Apis mellifera*.

33 Any person keeping bees shall be permitted one (1) hive on their property.

34 Any person keeping bees shall be required to clearly post on their property that bees are present.

35 No person keeping, or permitting bees to be kept on their property, shall fail to adequately maintain the bees such that the bees exhibit unduly defensive behaviour toward any other person while that person is on their own private or public property.

36 No person shall keep or harbour pigeons within the limits of the town.

37 No person shall keep or harbour a rooster within the limits of the village.

38 No person shall keep or harbour livestock within the limits of the village.

PART VI
DANGEROUS AND AGGRESSIVE ANIMALS

- 39 No person shall own or keep a dangerous animal within the limits of the village.
- 40 An animal shall be considered an aggressive animal if there is substantiated evidence that an animal meets the definition of an aggressive animal per this Bylaw.
- 41 If an animal has been declared aggressive, written notice of the designation will be provided to the animal's owner.
- 42 Any person may appeal the designation of an aggressive animal within ten (10) days to the town manager.
- 43 Any person who owns or harbours an aggressive animal within the town shall:
- (1) muzzle and leash the animal at all times the animal is outside of the owner's dwelling or run and keep it under the direct control and supervision of an adult;
 - (2) inoculate the animal against rabies and provide proof to the town of current and future inoculations;
 - (3) report the sale or other disposition of the animal to the town no more than seventy-two (72) hours after the owner has given up possession of the animal;
 - (4) keep the animal in an enclosure which complies with the criteria as set out in section 46;
 - (5) display a sign on the owner's property warning of the presence of the animal and continue to display that sign in good condition so long as the animal is present on the property; and
 - (6) sterilize the animal within 10 days of the designation.
- 44 Where an animal who is required to wear a muzzle and leash pursuant to this part, 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:
- (1) the animal shall be fitted with a collar or harness for the body that is properly placed and fitted on the animal;
 - (2) the municipal tag shall be clearly displayed on the collar or harness of the animal;
 - (3) 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;
 - (4) the leash shall not exceed 1.2 meters in length and constructed of a material having a tensile strength of at least 140 kilograms;

(5) the muzzle shall be properly fitted on the animal to prevent it from biting any animal or person or interfere with the vision or respiration of the animal; and

(6) no person not physically able to adequately control the animal on a leash may remove or have the animal removed off the residing property.

45 Where an animal is required to be kept in an enclosure pursuant to this part, the enclosure shall:

(1) be constructed of wood or any other building material of sufficient strength and in a manner adequate to:

(a) confine the animal; and

(b) prevent the entry of young children;

(2) 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 the enclosure;

(3) have a top secured to the sides of the enclosure;

(4) have a floor secured to the sides of the enclosure or the sides of the enclosure shall be embedded in the ground to a depth of 0.6 meters;

(5) not use a fence separating the owner's property from an adjacent property as one of the sides of the animal enclosure;

(6) be located no closer than five (5) meters from a dwelling unit located on an adjacent property; and

(7) the enclosure shall:

(a) provide protection from the elements for the animal;

(b) provide adequate light and ventilation for the animal; and

(c) be kept in a sanitary and clean condition.

46 No person shall own an animal for the purpose of fighting, or shall train, torment, badger, bait or otherwise use an animal for the purpose of causing or encouraging the animal to make unprovoked attacks on persons or animals.

47 Designation of an aggressive animal continues to apply if the animal is sold or given to a new owner.

48 The town may, at any time, order an aggressive animal no longer be kept or harboured within town limits.

PART VII
ENFORCEMENT, OFFENCES AND PENALTIES

49 When a designated officer has reason to believe that a person has contravened any provision of Parts II, III, IV or V of this Bylaw, the designated officer may issue a notice of violation to the person in contravention.

(1) Where a Notice of Violation is issued, a person may make a voluntary payment of the fine amount listed in Schedule "A" for that violation if the person does so before the specified date set out in the notice of violation.

(2) Where the town receives a voluntary payment of the prescribed amount in Schedule "A" before a summons is issued, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.

50 Any person who contravenes or fails to comply with any provision of Parts I, II, III, IV or V of this Bylaw or fails to comply with an order issued by a designated officer, is guilty of an offence and liable on summary conviction to:

(1) a fine in the amount set out in Schedule "A"; or

(2) where a fine is not specified, to a fine of up to \$2,000 in the case of an individual, and \$5,000 in the case of a corporation.

51 For the purpose of determining the applicable fine required by subsection 50(1), the number of offences shall be determined by the number of previous Notices of Violation, that are not the subject of an appeal, issued in relation to that particular animal.

(1) Notwithstanding section 51, for offences relating to defecation, the applicable fine required by subsection 50(1), shall be determined by the number of Notices of Violation issued in relation to the same address.

52 A person who is guilty of an offence pursuant to Part II or Part VI of this Bylaw may, at the direction of the designated officer, be directed that the animal in question is no longer permitted to be harboured within the limits of the town.

53 The animal owner shall, within forty-eight (48) hours, rehome the animal.

54 A person desiring to appeal a conviction pursuant to this Bylaw shall, within seven days of the 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.

55 Any payment required pursuant to this bylaw may be made at the Village Office.

PART VIII
SEVERABILITY, TRANSITIONAL, REPEAL AND COMING INTO FORCE

56 An existing license issued under Bylaw 2002-8 remains valid until the term of such license expires.

57 Bylaw 2002-8 and Bylaw 2016-2a and Bylaw 2019-05 and Bylaw 2007-4 are repealed.

58 If any portion of this Bylaw is found to be invalid by a court of competent jurisdiction, the invalid portion will be voided, and the rest of the Bylaw shall remain valid and effective.

59 This Bylaw shall come into force on the day of adoption by the Village of Vibank Council.

Mayor

SEAL

Read a third time and adopted this ____ day of _____, _____.

Administrator

Village Administrator

Schedule A

Fines

		1st offence	2nd offence	3rd & subsequent offence
General Fines				
	Failure to comply with a provision of this bylaw	\$ 250.00	\$ 500.00	\$ 750.00
	Failure to comply with an order of a designated officer	\$ 500.00	\$ 750.00	\$ 1,000.00
Licensing				
s. 3	Failure to register an animal	\$ 50.00	\$ 100.00	\$ 150.00
ss. 4(2)	Failure to affix a valid animal identification tag	\$ 50.00	\$ 100.00	\$ 150.00
s. 8	Providing false information during registration	\$ 500.00	\$ 500.00	\$ 500.00
s. 13	Harbouring more than 5 five(5) animals over the age of six (6) months	\$ 100.00	\$ 200.00	\$ 300.00
Control				
s. 14	Allowing animal to be at large	\$ 200.00	\$ 300.00	\$ 400.00
s. 16	Failure to accompany and control animal in off-leash dog park	\$ 50.00	\$ 100.00	\$ 150.00
ss. 16(5)	Allowing a dangerous animal, or an animal displaying aggressive behaviour in an off-leash dog park	\$ 200.00	\$ 300.00	\$ 400.00
s. 21	Failure to confine a non-sterilized animal during a period of heat	\$ 250.00	\$ 300.00	\$ 350.00
s. 22	Failure to comply with run standards	\$ 100.00	\$ 200.00	\$ 300.00
Nuisance				
s. 24	Failure to remove defecation	\$ 100.00	\$ 250.00	\$ 500.00
s. 26	Allowing an animal to bark or howl so as to create a nuisance	\$ 100.00	\$ 200.00	\$ 300.00
ss. 29(1)	Allow animal to bite a person or another animal	\$ 500.00	\$ 1,000.00	\$ 2,000.00

ss. 29(3)	Allow animal to chase or otherwise threaten a person or animal	\$ 500.00	\$ 1,000.00	\$ 2,000.00
s. 31	Purposefully release or provoke an animal	\$ 500.00	\$ 1,000.00	\$ 1,500.00
Regulation and Control of Other Animals				
s. 32	Harbouring prohibited bees, per day	\$ 50.00	\$ 100.00	\$ 150.00
s. 36	Harbouring prohibited pigeons, per day	\$ 50.00	\$ 100.00	\$ 150.00
s. 38	Harbouring prohibited livestock, per day	\$ 50.00	\$ 100.00	\$ 150.00
Dangerous and Aggressive Animals				
s. 39	Harbouring dangerous animals	\$ 1,000.00	\$ 2,000.00	\$ 3,000.00
s. 43	Failure to comply with requirements for an aggressive animal	\$ 500.00	\$ 1,000.00	\$ 1,500.00
s. 44	Failure to remove an animal at the direction of the designated officer, per day	\$ 250.00	\$ 250.00	\$ 250.00