

Certified a true copy  
of Bylaw No.5-2008  
passed in council on  
the 25th day of March,  
2008.

**Town of Lashburn**

**Dog Control Bylaw No.5-2008**

Bealwood  
Administrator

**Title**

1. This bylaw shall be known as the "Dog Control Bylaw".

**Definitions**

2. Definitions for the purpose of this bylaw, except where the context may clearly express or indicate otherwise:

a. Council - means the elected council of the Town of Lashburn.

b. Dog Control Officer - means the person or persons or company appointed by the council to enforce the provisions of this bylaw, or any person authorized to act on his behalf.

c. Dog - means any animal of canine species, either male or female of any age.

d. Town - means Town of Lashburn

e. Dog license - means a license tag to be worn by a dog with accompanying registration at the Town Office for a specified year to be valid from January first to December thirty first of the year for which it was purchased or received at no charge.

f. Day - means any calendar day or part thereof.

g. Owner - means any person of body corporate who:

i. has legal title to a dog in question, or

ii. has permanent or temporary custody or possession of a dog in question, or

iii. harbours a dog in question, or

iv. suffers a dog in question to remain in his care or on his premises, or

v. licenses a dog in question in his or her name.

h. Former owner - means the owner at the time of impoundment of a dog which has been sold, destroyed, or otherwise disposed of.

i. Pound - means a place or facility as appointed by council from time to time for the purpose of holding and caring for any dogs impounded according to the terms of this bylaw, until such time as the impounded dogs are released to their owners or otherwise disposed of.

j. Kennel - shall mean any structure used by any person for boarding or otherwise caring for, training, or whelping dogs exceeding two (2) in number, whether or not for reward but shall not include any premises occupied by a duly qualified veterinarian for the practice of his profession.

k. Kennel License - shall mean a form issued by the License Inspector or Poundkeeper for the then current year.

l. Operator of a Kennel - shall mean and include any person who owns or occupies land on which a kennel is situated.

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## Dog Licenses

3. a. Every person or body who shall own a dog of at least eight weeks of age within the Town shall obtain a license from the Town Office for each dog owned and shall register such dog or dogs for the current year, except where a Kennel License has been purchased within:
  - 1) one calendar month of the issuance of license for a new calendar year, or
  - 2) 15 days after a dog which has not been previously kept within the Town has come to be kept within the Town.
- b. For the purpose of licensing any dog which may be less than eight weeks of age, or which may have been kept in the Town for less than 15 days, the onus is on the owner to provide reasonable proof of such conditions, and failing this, the dog shall be considered to be required to be licensed.
- c. Each owner shall provide his or her correct name and address, and a description of the dog, and the dogs sex to be recorded at the Town Office with the number of the respective license for each license issued. Where an owner's name or address shall be changed within the current license period, the owner shall inform the Town of such change.
- d. License Fees are set out in Schedule "A".
- e. All licenses issued under this bylaw shall expire on December 31, next following the date of issue, with the provisions that:
  - 1) the owner of the dog duly licensed and registered for a given license year shall have a period of grace until January 31 of the following year to obtain the new year's license without the dog so previously licensed being considered to be unlicensed, and
  - 2) where a new year's license is not available for any reason until after January 1, the owner of the dog duly licensed and registered for a given license year shall have a grace period of one month after the new licenses become available to obtain the license.
- f. A dog owned by a sightless person and used as a guide, shall be registered and licensed under this bylaw.
- g. Any owner of a dog which has been licensed, shall cause such dog to wear the license at all times, and any dog found running at large or otherwise in violation of this bylaw while not wearing such license shall be considered to be unlicensed.
- h. No license can be transferred from one dog to another.
- i. Except for the operations of a kennel, no residence shall own, possess, harbour or allow to remain in its care, more than 2 dogs.
- j. The operator of a kennel shall obtain a kennel license for such kennel;
- k. On demand of the License Inspector, Poundkeeper or Constable, the operator of a kennel shall produce a kennel license for such kennel;
- l. A kennel license may be revoked at any time by the Council of the Town of Lashburn if the said Council in its sole and absolute discretion determines that the kennel to which such kennel license relates is unclean, untidy or a nuisance.

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m. Upon an Applicant for a kennel license providing all required information, the License Inspector or Poundkeeper may in his sole and absolute discretion issue a kennel license.

n. Applicants for a dog license for a spayed or neutered dog shall upon request of the License Inspector or Poundkeeper produce a letter from a Veterinarian attesting to the fact that such dog has been spayed or neutered.

#### **Running at Large**

4. a. No dog shall be allowed to run at large within the Town. The owner of any dog running at large within the Town shall be deemed guilty of an offense and be in violation of this bylaw. The owner shall be liable to a penalty as set out in the penalty section of this bylaw and is liable to have the dog impounded.

b. A dog shall be deemed to be running at large when it is within the boundaries of the Town, regardless of whether the dog is normally owned or kept within the Town and is beyond the boundaries of the land or premises occupied by its owner or other land or property where the dog may be by the expressed permission of the owner or occupant of the said land and when it is not:

i. under control by being on a leash and/or in the direct, continuous and effective control of someone competent to control it, or

ii. under control by being securely confined within an enclosure, or

iii. under control by being securely fastened so it cannot roam at will.

c. The onus of proving that a dog has permission to be on land not owned or occupied by the owner of the dog is on the owner of the dog.

5. a. No dog shall be allowed to be a nuisance within the boundaries of the Town by being:

i. tied up or secured in such a manner as to cause an obstruction of any sidewalk, street, road or alley, or other property where the owner of the dog has not acquired expressed permission for the dog to be, or

ii. allowed to cause damage to private or public property, upset any garbage container, or molest in any way another animal, or

iii. allowed to molest or annoy any person by biting, threatening to bite, barking or growling in a manner that is threatening or excessively noisy, or

iv. allowed to defecate on any property where the owner has not acquired suitable permission for the dog to defecate and where the owner or person responsible for the dog has not effectively and immediately removed the defecated material, or

v. allowed to chase any pedestrian, bicycle, automobile or other vehicle.

b. The owner of any female dog in heat or estrus shall keep the dog housed and confined to minimize the likelihood of other dogs being attracted into the vicinity.

c. The owner of any dog causing damage to any public or private property or garbage, or causing harm to any person or animal shall be civilly liable to pay for any harm or damage so caused.

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## Seizure

6. a. Where a dog is found running at large or being a nuisance contrary to the provisions of this bylaw, the dog may be taken by any person to the Dog Control Officer or the Town Office for impoundment.
  - b. A Dog Control Officer or any other person authorized by council may seize, capture and impound any dog running at large or being a nuisance contrary to the provisions of this bylaw.
  - c. When necessary, a Dog Control Officer may, in attempting to identify or capture a dog liable to impoundment, employ the use of bait, mechanical, acoustic or ultrasonic devices or any other suitable means to apprehend the dog provided that:
    - i. the devices or techniques used are not prohibited by any other body of law, and
    - ii. the devices or techniques used are employed with due respect to humaneness to the dog.
  - d. When a Dog Control Officer is apprehending or capturing or holding a dog and the dog should resist the Dog Control Officer or attack or attempt to attack the Dog Control Officer or any other person or animal, the Dog Control Officer may use reasonable force to restrain and impound the dog to prevent the dog from escaping or to protect himself or the public from the actions of the dog, while keeping in mind due concern for humaneness to the dog.
  - e. Where a dog is on any private property or premises without the permission of the owner or occupant, the Dog Control Officer may with permission of said owner or occupant, enter such property to apprehend the dog.
  - f. When any dog not wearing the said license tag as provided in this bylaw, is impounded, the Poundkeeper shall immediately post a notice in the Town Office, giving a description of such dog, the date and time when it was it was impounded, and the date and hour when it may be sold or destroyed; such notice shall be posted at least seventy-two (72) hours before the said sale or destruction takes place.
  - g. Where a dog has been seized for a third time in one calendar year, the dog may be taken directly to the SPCA.
  - h. Where a dog is considered to be a danger to the Dog Control Officer and not in the town's best interest to impound the dog in the town's pound, the dog may be taken directly to the SPCA.
- Reclaiming**
7. a. When any dog has been impounded under the provisions of this bylaw, the owner may, except as where indicated to the contrary in the rabies and dangerous dog section of this bylaw, reclaim the said dog by prior to its release:
    - i. paying any penalty or penalties for the infraction or infractions that have been committed in regards to the said dog as indicated on the notice of impoundment issued at the time of impoundment, and
    - ii. paying the impoundment charge per day or part thereof for which the dog was held in the pound as set out in Schedule "B", and
    - iii. causing the dog to be properly registered and licensed according to the provisions of this bylaw, if it is not already so registered and licensed.

## **of Im- pounded Dogs**

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- b. Dogs not reclaimed by the former owner within a period of three (3) days from the time of impoundment may be sold, destroyed or otherwise disposed of at the discretion of council or the Poundkeeper, with no liability to the former owner for said disposition by the Town or its agents.
- c. If the owner of any dog impounded under the provisions of this bylaw is known, but does not reclaim the dog, the said owner shall nevertheless be liable for any charges for impoundment, storage, euthanasia or any other charges charged to the Town, and may be collected as any debt owing to the Town, and is still liable for the penalties indicated on the Notice of Impoundment or Dog Control Ticket for the offense or offenses indicated.

## Rabies

- 8. a. Where a dog has bitten someone, or is suspected of having been in contact with an animal with rabies, or is suspected of being rabid for any valid reason, the Public Health Office of the region, Canada Department of Agriculture, a local Dr. of Veterinary Medicine and an officer of the RCMP, shall be notified.
  - b. When a dog which has bitten anyone is impounded under the provisions of this bylaw, the dog shall not be released to the owner until Canada Department of Agriculture has been notified and all necessary provisions for the quarantine or other indicated disposition of the dog has been made to the satisfaction of the Health of Animals Branch, to determine if the dog is rabid.
  - c. Any of the authorities mention in Subsection 8. a. , having cognizance that the dog is dangerous or might have been exposed to rabies may order that: the person owning, harbouring or having in his possession such dog, shall be placed under confinement at a place acceptable to Canada Department of Agriculture for a period of at least 2 weeks, or until such time as the suspicion of rabies has been confirmed or refuted. Such confinement shall be at the expense of the owner of said dog.
  - d. Where in the opinion of the Public Health Officer and Canada Department of Agriculture rabies infection has reached proportions where a mass vaccination is indicated, every person who owns a dog as defined in this bylaw within the Town susceptible to rabies, shall cause such dog to be inoculated against rabies.
  - e. A certificate issued by a duly licensed Dr. of Veterinary Medicine to the effect that a dog is presently inoculated against rabies shall be prima facie evidence that such animal has been so inoculated.
- Complaints**
- 9. a. Any person alleging that a dog has:
    - i. bitten any person or any animal, or
    - ii. attempted to bite any person or animal, or
    - iii. deposited feces on land other than within the boundaries of land owned by the owner of such dog, or within the boundaries of land owned by a person who has given express permission for such dog to deposit feces on his land, or
    - iv. been barking, howling, spreading debris, scavenging, making a nuisance, or
    - v. chasing any person, horse, vehicle or motor vehicle;

may lay information before a Provincial Court Judge having territorial jurisdiction over the place of the occurrence of the same, and such Provincial Court Judge after giving due notice to the owner of such dog, may determine whether or not the dog is a danger or a nuisance.

- b. If a Provincial Court Judge determines that the dog is a danger or a nuisance, he may:
    - i. levy a fine against the owner of such dog in accordance with the General Penalties section of this bylaw, and/or
    - ii. order the owner of such dog to keep the dog under proper control, and/or
    - iii. order the owner of such dog to deliver such dog to the Poundkeeper to be destroyed, and/or
    - iv. make such order as he deems appropriate.
  - c. In the event that the owner of the dog is not known, then the Provincial Court Judge may proceed under this section without due notice to the owner of such dog.
  - d. Any person failing to comply with an Order made by a Provincial Court Judge under this section, is guilty of an offense punishable on summary conviction and shall be liable to a fine of not more than \$500.00, and to imprisonment for a period not exceeding thirty (30) days in the event of non-payment of such fine.
- General**
10. a. No one except the owner may remove a collar or license tag from any dog except where it must be done to relieve the dog from a situation dangerous to the dog's health or safety, and is done for humane reasons. It shall be reported to the owner or Town Office as soon as possible and the removed collar or tag shall be surrendered at that time.
  - b. No one shall untie or otherwise cause a dog to run at large or be a nuisance in the Town.
  - c. No one shall tease, torment or annoy a dog.
- Obstruction**
11. a. No one shall interfere with or attempt to interfere with or obstruct a Dog Control Officer, Bylaw Enforcement Officer, Peace Officer or anyone else duly authorized by council who is attempting to impound any dog or otherwise enforce the provisions of this bylaw.
  - b. No one shall induce a dog to enter a house or other place in an attempt to help it escape capture or identification by a Dog Control Officer.
  - c. No one shall falsely represent himself as being in charge or control of the dog so as to establish that the dog is not running at large.
  - d. No one shall unlatch or otherwise open a pound or Dog Control Vehicle in an attempt to allow any impounded dog to escape.
  - e. Anyone who violates any provision of this section shall be deemed to be guilty of an offense and may be liable to penalty for obstruction.

## Penalties

12. a. Any person who has caused any breach or violation of any of the provisions of this bylaw, by any omission or commissions shall be deemed guilty of an offense and shall be liable on summary conviction to, inclusive of all costs of prosecution:
    - i. Any and all cost of impoundment, storage and euthanasia incurred by the Town in respect to the dog or dogs with respect to which the offense was committed, and
    - ii. For offenses of all sections, a penalty as set out in Schedule "C".
    - iii. Anyone in default of payment of the specified penalty shall be liable on summary conviction to a term of imprisonment of not more than thirty days.
  - b. The onus of proving that anyone accused of an offense is not the owner of the dog, as defined in this bylaw, in respect to which an offense is alleged to have been committed is on the accused.
13. a. A notice of form commonly called a Dog Control Ticket and in the form of Schedule "D" to this bylaw may be served by a Dog Control Officer, Police Officer, or the Town Office on anyone deemed to be guilty of a offense of this bylaw, and the said notice shall require a payment to the Town of the penalty or penalties as indicated thereon and laid out in this bylaw.
  - b. A Dog Control Ticket may be used by a Dog Control Officer as a notice of impoundment to specify the infraction or infractions of the bylaw which led to the impoundment.
  - c. Anyone in receipt of a Dog Control Ticket may elect to pay voluntarily within the time period of seven days as specified on the ticket the penalty or penalties indicated thereon and any impoundment or other costs as indicated thereon, and in receipt of such payment to the Town within the specified time period, the Town will accept such payment in lieu of prosecution for the offense or offenses indicated.
  - d. If the person who is deemed guilty of an offense or offenses to this bylaw as indicated on the Dog Control Ticket, fails to pay the penalty or penalties and costs as indicated within the time period specified on the ticket, then the provisions of clause (c) of this section will no longer apply and the person shall be liable to prosecution for the offense or offenses in the ordinary way, provided that nothing in this section shall prevent any person served with such ticket, from exercising his right to defend any of these particularized offenses.
  - e. A Dog Control Ticket shall be deemed to be sufficiently served:
    - i. if served personally on the owner of the dog, or
    - ii. if mailed by regular or registered mail to the address of the owner of the dog as recorded at the Town Office, or
    - iii. if served personally on any adult person at the address or residence of the owner of the dog, or any such place as the dog may be kept.

14. Bylaw Nos. 3-87, 13-97 and 11-2003 are hereby repealed.

  
Mayor

  
Administrator

**Schedule "A" to  
Bylaw No. 5-2008**

**License Fees:**

All Dogs-

-no charge

Kennels-

-no charge

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**Schedule "B" to  
Bylaw No. 5-2008**

Daily Impoundment Fee-

-\$20.00

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Schedule "C" to  
Bylaw No. 5-2008

- a) For offenses of all sections other than Section 10, a penalty of:
- First offense in any calendar year where the dog is currently licensed-  
- **no charge**
  - First offense in any calendar year where the dog is **not** currently licensed-  
- **\$150.00**
  - Second offense in any calendar year whether the dog is currently licensed or not-  
- **\$250.00**
  - Third or subsequent offense in any calendar year whether the dog is currently licensed or not-  
- **\$400.00**
- b) Offense of Section 10, a penalty of : maximum **\$500.00**

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Town of Lashburn  
Box 328  
Lashburn, Saskatchewan  
S0M 1H0  
Phone: 285-3533

**Dog Control Ticket Schedule "D" to Bylaw No. 5-2008**

Owner: \_\_\_\_\_

Address or Description: \_\_\_\_\_

Description of Dog: \_\_\_\_\_

License Number: \_\_\_\_\_

Dog Impounded: YES / NO

**- Details of Violation -**

Time: \_\_\_\_\_ A.M. / P.M. Date: \_\_\_\_\_, 20\_\_

Location of Violation: \_\_\_\_\_

Name of Offense: \_\_\_\_\_

Details: \_\_\_\_\_

Bylaw Section (s) Violated: \_\_\_\_\_

Penalty (s): \_\_\_\_\_

Costs: \_\_\_\_\_

Total: \_\_\_\_\_

**Failure to remit penalty to Town Office within seven days, may result in issuance of a summons and on summary conviction, to payment of penalty (s) with all costs of prosecution.**

Issued: \_\_\_\_\_ A.M. / P.M. Date: \_\_\_\_\_, 20\_\_

Issuing Officer: \_\_\_\_\_

