

## BYLAW NO 18-2022

The Council of the Resort Village of Elk Ridge enacts as follows:

### **SHORT TITLE**

This Bylaw shall be referred to as "*The Animal Control Bylaw.*"

### **PURPOSE AND DEFINITIONS**

#### **PURPOSE**

1. The purpose of this Bylaw is to encourage safe, respectful and responsible animal ownership within the Resort Village of Elk Ridge by:
  - a) ensuring the humane treatment of animals;
  - b) controlling and regulating dogs and cats;
  - c) providing for the impounding of dogs and cats that are at large;
  - d) promoting the protection of people, animals and property within the Municipality;
  - e) providing for conditions and penalties for people's failure to abide by the conditions of this Bylaw; and
  - f) protecting the public from dangerous animals.

#### **DEFINITIONS**

2. For the purpose of this Bylaw, the following terms and words shall have the following meanings:
  - a) Administrator – shall mean the Administrator of the Resort Village of Elk Ridge.
  - b) Animal – shall mean either a cat or dog.
  - c) Animal Control Officer – shall mean the person or persons appointed by the Municipality to enforce the provisions of this Bylaw, or any person authorized to act on his/her behalf and shall include a designated officer.
  - d) Animal Shelter – shall mean a facility designated or used by the Municipality for animal impoundment and kenneling.
  - e) At large – shall mean when an animal is beyond the boundaries of the land occupied by the owner of the said animal, or beyond the boundaries of any lands where it may be with the permission of the owner or occupant of the said land and when it is not under control by being directly attached to a leash not exceeding three meters (10 feet) in length and that leash is under the direct and continuous physical charge of a person competent to control it.

- f) Cat – shall mean any cat, male or female, of every breed or classification or mixture of breeds over eight (8) weeks of age.
- g) Council – shall mean the Council of The Resort Village of Elk Ridge.
- h) Dangerous Animal means:
  - i) any animal that, without provocation in a vicious or menacing manner, chases or approaches 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; or
  - iv) the animal is owned primarily or in part for the purpose of fighting or is trained for fighting.
- i) Distress – shall mean an animal that is:
  - i) deprived of:
    - a) food or water sufficient to maintain the animal in a state of good health;
    - b) care or shelter; or
    - c) veterinary care or medical attention.
  - ii) In need of reasonable protection from injurious heat or cold;
  - iii) Wounded, ill, in pain, suffering, abused or neglected;
  - iv) Kept in conditions that:
    - a) are unsanitary;
    - b) will significantly impair the animal’s health or well-being over time;
    - c) cause the animal extreme anxiety or suffering.
  - v) abandoned by its owner or by a person responsible for the animal in a manner that causes, or is likely to cause, distress resulting from any or all of the factors listed in this section.
- j) Designated Officer- shall mean the Administrator or a Peace Officer employed for the provision of service to the Municipality.;
- k) Dog - shall mean any dog, male or female, of every breed or classification or mixture of breeds over eight (8) weeks of age.
- l) Owner – includes:
  - i) a person, persons, partnerships, association or corporation who keeps, possesses, harbors, or has care of or control of an animal;

- ii) the person responsible for the custody of a minor where the minor is the owner of an animal.

But shall not include

- iii) a Veterinarian who is keeping or harboring an animal under the provision of this bylaw;
  - iv) the operator of an animal shelter.
- m) Municipality – shall mean the Resort Village of Elk Ridge.
- n) Peace Officer – shall mean a person or class of persons appointed as a special constable pursuant to *The Police Act, 1990*, a member of a police service, or a member of the Royal Canadian Mounted Police.
- o) Poundkeeper – shall mean a person, persons, or their associates designated by the Municipality to maintain and administer an animal shelter.
- p) Prohibited Area for Animals – shall mean any area in the Municipality identified in which animals are prohibited from entering.

#### **PERMITTED NUMBER OF ANIMALS**

3. No person occupying a premise within the Resort Village of Elk Ridge shall possess or harbor more than the maximum number of animals as outlined in this Bylaw.
4. The owner of any property shall not permit or allow to be permitted an occupant from keeping or harbouring more than the maximum number of animals as allowed by this Bylaw.
5. For the purpose of this Bylaw the maximum number of animals allowed to be kept or harboured at any property or dwelling is;
  - a) not more than three cats;
  - b) not more than three dogs;
  - c) or in any case a combination of cats and dogs not greater than four.
6. The provisions of Section 5 do not apply to animals:
  - a) under the age of three (3) months;
  - b) being temporarily kept or harbored at an approved animal shelter.
  - c) in the course of transit in or through the Municipality.
  - d) where written authorization has been issued by the Municipality to a property owner or animal owner or both.

## **ANIMAL FECES**

7. An owner or occupant of a property shall not allow animal feces to accumulate on the property which unreasonably interferes with the use and enjoyment of adjoining premises by owners or occupants.
8. An Animal Control Officer may serve an owner or occupant of a property with a notice to remove all animal feces from the property within seventy-two (72) hours of the notice being served.
9. A notice issued under this Bylaw may be served personally on an owner or occupant of the property, or sent by registered mail addressed to the owner of the property at the mailing address shown on tax records of the Municipality, or by posting such notice at the property. A notice served by registered mail is deemed to have been received on the fifth day following the date of its mailing.
10. The Municipality may remove the feces from the property if:
  - a) the person to whom the request is made fails to remove the feces within the prescribed time; or
  - b) after reasonable inquiry, the whereabouts of the owner or occupant of the property cannot be determined.
11. If the Municipality removes feces pursuant to this Bylaw, the Municipality may collect from the owner any reasonable charges and expenses relating to the removal of the feces from the property. Those charges and expenses are a debt owed and due to the Municipality. The Municipality may recover the charges and expenses by action in a court of competent jurisdiction or by adding the amounts to the tax roll of the property.
12. If an animal defecates on any public or private property other than the property of its owner, the owner of the animal shall forthwith remove the defecation.
13. Section 12 shall not apply to a person who owns and is physically reliant on a guide dog trained and used to assist such person.

## **ANIMALS AT LARGE AND IMPOUNDMENT**

14. No owner of an animal shall permit that animal to be at large in the Municipality.
15. For the purpose of Court proceedings, the owner shall be deemed to have permitted that animal to be at large unless the owner proves to the satisfaction of the Court that at the time of the offence, the owner did all that was reasonable to prevent the animal from being at large and was actively attempting to prevent the animal from continuing to be at large.
16. An Animal Control Officer may enter into the land surrounding any building in pursuing

any animal that has been observed at large.

17. An Animal Control Officer may take any animal found at large to an animal shelter where it shall be kept for ninety-six (96) hours unless the owner redeems the animal by paying the Municipality the sum identified in schedule "A"; required for picking up and delivering the animal to the shelter and also paying the Municipality the fee for each day or part day or portion thereof that the animal is impounded for the care and keep of the animal.
18. All impounded animals which are not claimed or redeemed by their owners within the time limits imposed under this Bylaw may be sold or given away subject to approval by a designated officer.
19. When authorized by a designated officer, the Poundkeeper, or any other person chosen by a designated officer may destroy any animal so impounded that has not been redeemed within ninety-six (96) hours.

#### **OBSTRUCTION**

20. No person, including the person who is the owner of the animal which is being or has been pursued, seized or impounded, shall obstruct or interfere or attempt to obstruct or interfere with the Animal Control Officer in the execution of their duties as provided in this Bylaw.
21. No person shall, without limiting the generality of Section 20:
  - a) unlock or unlatch or otherwise open a vehicle in which an animal seized under this Bylaw has been placed, so as to allow or attempt to allow any animal to escape therefrom; or
  - b) remove or attempt to remove any animal from the possession of the Animal Control Officer.

#### **GENERAL VIOLATIONS**

22. No person shall:
  - a) untie, loosen or otherwise free another owner's animal which has been tied or otherwise restrained; or
  - b) 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; or
  - c) tease, entice, bait or throw objects at a confined animal.
23. No owner shall allow an animal to become in distress.
24. The owner of an animal shall ensure that such an animal shall not be left unattended in any motor vehicle in extreme temperatures or in a manner which would cause the animal distress.

25. It shall not be an offence against this Bylaw in Section 24 should the owner adequately restrict the animal as to prevent access to a person or persons and such suitable ventilation and temperature control is provided to the animal.
26. No person shall willfully fail to claim an animal that is being held at an animal shelter for which that person is an owner.
27. Any owner who owns an animal for the purpose of fighting, or who trains, torments, badgers, baits or otherwise uses an animal for the purpose of causing or encouraging the animal to make unprovoked attacks on persons or domestic animals is guilty of an offence.

#### **AGGRESSIVE ANIMALS**

28. The owner of an animal shall ensure that such animal shall not:
  - a) If unprovoked, bite a person or animal whether on the property of the owner or not;
  - b) do any act to injure a person or animal whether on the property of the owner or not;
  - c) chase or otherwise threaten a person or animal whether on the property of the owner or not;
  - d) cause damage to property or other animals.

#### **DANGEROUS ANIMALS**

29. No animal that has been declared dangerous by any Court in Canada or as ascribed by Section 375 of *The Municipalities Act* shall be permitted within the boundaries of the Municipality unless authorized by a designated officer.
30. Upon notification, a Peace Officer may seize, without warrant, any animal that is a Dangerous Animal and forthwith deliver such animal to an animal shelter.
31. If an animal is seized pursuant to Section 30 of this bylaw, or in the opinion of an Animal Control Officer, an animal is dangerous, or a complaint is made that an animal is dangerous, a hearing at Provincial Court shall be held to determine if, based upon the evidence adduced at the hearing, the animal is, in fact, dangerous.
32. A person to whom has had their animal seized pursuant to Section 30 shall be provided with a Notice of Seizure and Direction. That person may, within seven (7) days of receiving the Notice, attend to the Provincial Court House, 188 – 11<sup>th</sup> Street West, Prince Albert to speak to the release of the animal or to set a time and date for a hearing to determine whether the animal is dangerous, or both. Failing to attend to the Court House within the seven (7) days will result in the animal being destroyed.

33. An owner that has attended to the Provincial Court House to request the release of their animal and/or a hearing shall immediately notify the Municipality as to the date and time of that hearing.
34. An animal that has been seized pursuant to Section 30 shall be destroyed if the owner fails to notify the Municipality within the prescribed time, as indicated within the Notice of Seizure and Direction.
35. A Notice of Seizure and Direction shall be in the form as approved by the Municipality.
36. Where an owner does not appear at the time and place appointed for the hearing the Court 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.
37. If the Court is satisfied, on the evidence, that the animal is dangerous, the Court may make an order including any or all of the following terms:
  - a) if the Animal is to be sold or given away the owner shall notify any prospective owner that the animal has been declared dangerous before it is sold or given away.
  - b) that the owner shall report to a designated officer within 72 hours if the animal is sold, given away or the owner has given up possession of the animal or the animal becomes deceased.
  - c) notify the designated officer of the name, address and telephone number of any new owner of the animal no more than 7 days after the new owner has taken possession of the animal.
  - d) where the animal is moved to a different municipality, the owner shall notify the Clerk of that city or Administrator of the municipality no more than 72 hours after the animal is moved to that city or municipality.
  - e) 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.
  - f) any other reasonable condition so ordered by the Court.
38. A person desiring to appeal an order pursuant to this Section shall, within seven days of the issuance of the order, file a notice of appeal with Her Majesty's Court of Queen's Bench, and the provisions of the *Criminal Code* apply with any necessary modification.
39. Unless the owner otherwise agrees, every order for destruction of an animal shall state that it shall not be implemented for eight days.
40. 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.
41. Where an order for destruction is overturned on appeal, the animal shall be released to the owner after the owner has paid the costs of impoundment of the animal.

42. Regardless of the outcome of the appeal, the owner shall be responsible for the payment of the costs of impoundment of the animal pending the hearing.
43. An order regarding a dangerous animal issued pursuant to this Bylaw continues to apply if the animal is sold or given to a new owner.
44. For the purpose of this Bylaw no animal shall be considered dangerous for actions carried out while the animal was:
  - a) acting in performance of police work; or
  - b) working as a guard animal on commercial property while:
    - i) being securely enclosed on the property by a fence or other barrier sufficient to prevent the escape of the animal and the entry of young children; and
    - ii) defending that property against a person who was committing an offence.

#### **HUMANE DESTRUCTION OF SICK OR INJURED ANIMALS**

45. No animal shall be destroyed unless authorized by a designated officer.
46. The Animal Control Officer shall keep a record and picture of all animals impounded.
47. Should any animal be destroyed, the designated officer shall keep a record of the manner in which they are destroyed.
48. Notwithstanding section 45 any Animal Control Officer or Veterinarian may take immediate action to humanely destroy any feral cat, any animal that is sick or injured where, in the opinion of the Animal Control Officer or Veterinarian, immediate destruction of the animal is necessary to avoid unnecessary pain and/or suffering by the animal.
49. Any destruction of an animal must be carried out in a manner that the circumstances cause the animal minimal pain and anxiety.
50. Any Animal Control Officer or Veterinarian that destroys an animal pursuant to this Bylaw shall take reasonable efforts to notify the owner of the animal before it is destroyed. No action lies against the Animal Control Officer or the Veterinarian due to the destruction of the animal or the failure to find or contact the owner.

#### **MISCELLANEOUS**

51. Any owner who owns an animal that, without provocation, attacks, assaults, wounds, bites, injures or kills a person or domestic animal, is guilty of an offence.



52. Any person who does not comply with any order or part of an order issued pursuant to this Bylaw is guilty of an offence.

### **ENFORCEMENT, OFFENCES AND PENALTIES.**

53. Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on Summary Conviction:
- a) in the case of an individual, to a fine of not more than \$10,000.00 or imprisonment for not more than one year, or both; and
  - b) in the case of a corporation, to a fine of not more than \$25,000.00 or imprisonment of the directors of the corporation for not more than one year, or both; and
  - c) in the case of a continuing offence, to a maximum daily fine of not more than \$2,500.00 per day or any portion thereof.
54. Where a Peace Officer issues a summary ticket for a violation of this Bylaw, the Peace Officer shall indicate on the ticket the prescribed fine amount as set out in Schedule 'A' of this Bylaw.
55. In addition to any fine or penalty imposed by the Court, the Court may after a third and any subsequent conviction against this Bylaw, further order any of the following:
- a) that the owner complies with the conditions of the Bylaw;
  - b) that the owner surrenders the animal;
  - c) that the owner be prohibited from acquiring, possessing, or harbouring any animal within the Municipality for up to 2 years;
  - d) that the owner erects, constructs, builds or causes to be erected, constructed or built a fence, enclosure, pen, run or such improvement for the animal; or
  - e) any other such conditions as may be ordered by the Court.

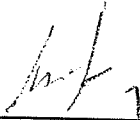
### **SEVERABILITY**


56. If any section, subsection, sentence, clause, phrase or other portion of this Bylaw is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the Court shall not affect the validity of the remaining portions of the Bylaw.

**COMING INTO FORCE**

57. This Bylaw shall come into force and take effect on the day of its final passing.



  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Administrator

Read a third time and adopted  
this 12<sup>th</sup> day of July, 2022.

## SCHEDULE "A"

Hereto annexed and forming part of Bylaw No 18-2022

### PER SECTION 17

- Municipal Maintained Shelter:
  - Fee of \$50.00 per day, or any portion thereof. Day commences at 12:00 am.
  - Any travel kilometers associated with travel to or from the shelter at the municipally approved rate.
  
- Private animal shelter or veterinarian shelter fees:
  - Actual charge of the veterinarian plus any travel kilometers associated with travel to or from the private or veterinarian shelter.
  - Fee to euthanize shall be equal to the charge of the veterinarian plus any mileage fees associated with the travel.
  - Other care and sustenance fee shall be actual amount charged plus any mileage associated with travel.

### PER SECTION 55

For all sections of this Bylaw the Peace Officer may use their discretion by not allowing the accused the option of making a voluntary payment and thereby compel the accused to attend court. This schedule will be used should the Peace Officer exercise the option to issue a summons to court and include a voluntary payment amount.

#### VOLUNTARY PENALTIES FOR NON-CONFORMITY WITH BYLAW

SECTION	OFFENCE	VOLUNTARY PAYMENT (FINE)		
		1st OFFENCE	2nd OFFENCE	SUBSEQUENT OFFENCE
Section 14	At Large	\$50.00	\$100.00	\$250.00
Section 28	Aggressive animal	\$200.00	\$500.00	Court
Section 51	Animal without provocation attacks assaults, wounds, bites, injures or kills a person or domestic animal	\$400.00	Court	Court
Section 52	Fail to abide by Order	\$250.00	\$500.00	\$800.00
Sections not specifically listed above		\$100.00	\$225.00	\$400.00