

Town of Rocanville

BYLAW NO. 2025 – 01

A BYLAW TO REGULATE AND CONTROL THE POSSESSION OF DOMESTIC ANIMALS WITHIN THE MUNICIPAL LIMITS OF THE TOWN OF ROCANVILLE.

The Council of the Town of Rocanville in the Province of Saskatchewan, enacts as follows:

Short Title

1. This Bylaw shall be known as the “Animal Control Bylaw”.

Purpose

2. The purpose of this Bylaw is to promote the safety, health and welfare of people and the protection of people, animals and property in the Town of Rocanville.

Statutory Authority

3. The authority for this Bylaw is section 8 of *The Municipalities Act*, SS 2005, c M-36.1.

Definitions

4. In this Bylaw:
 - (a) **“Act”** means *The Municipalities Act*, SS 2005, c M-36.1.
 - (b) **“animal”** means any mammal excluding humans, reptile or amphibian.
 - (c) **“at large”** means being on:
 - (i) public property unaccompanied by any person;
 - (ii) public property accompanied by a person but not under the complete control of a person by means of a leash unless otherwise permitted by this Bylaw; or
 - (iii) private property without the permission of the owner or occupant of the property.
 - (d) **“Council”** means the Council of the Town of Rocanville;
 - (e) **“designated officer”** means, for the purposes of this Bylaw and Part XII, Division 4 of the Act, a person employed with the Town of Rocanville in one of the following positions:
 - (i) any person designated by the Town as a Bylaw Enforcement Officer;
 - (ii) the Town Administrator;
 - (iii) Manager of Bylaw Enforcement;
 - (f) **“Judge”** means a judge of the Provincial Court of Saskatchewan or a justice of the peace;
 - (g) **“muzzle”** means a device of sufficient strength placed over an animal’s mouth to prevent it from biting;
 - (h) **“owner”** includes:
 - (i) a person who keeps, possesses or harbours an animal to which this bylaw applies and includes a handler of an animal;
 - (ii) the person responsible for the custody of a minor where the minor is the owner of an animal to which this Bylaw applies; but does not include:
 - (iii) a veterinarian registered pursuant to *The Veterinarians Act*, 1987 who is keeping or harbouring a dog to which this Bylaw applies for the prevention, diagnosis or treatment of a disease or injury to the animal; or
 - (iv) an urban or rural municipality, the Saskatchewan Society for the Prevention of Cruelty to animals, a local Society for the Prevention of Cruelty to Animals or a Humane Society operation pursuant to *The Animal Protection Act*, with respect to an animal shelter or impoundment facility operated by any of them;
 - (i) **“provocation”** means an act done intentionally for the purpose of provoking an animal to which this Bylaw applies into a hostile or aggressive demeanour;

- (j) **“Town”** means the Town of Rocanville or where the context requires the geographical area within the town limits;

Application

- 5. This Bylaw shall apply to all animals in the Town of Rocanville boundaries.

PART II – CONTROL

At Large

- 6. An owner shall:
 - (a) not allow their animal to be at large;
 - (b) have complete control of their animal by either physical or verbal means at all times;
- 7. Notwithstanding section 6, where a dog is on public property that has been designated and described as an “Off Leash Dog Park”, the dog will not be considered to be at large as long as the owner meets all the following requirements:
 - (a) the dog is accompanied by the owner at all times;
 - (b) the owner has complete control of the dog by either physical or verbal means at all times;
 - (c) the owner ensures that his or her dog is in compliance with all signs posted at the Off Leash Dog Park;
 - (d) the dog has not been designated as a dangerous animal; and
 - (e) the dog does not display any signs of aggressive behaviour.

Prohibited Animals

- 8. No other pets as listed on Schedule “B” shall be brought into the Town without a permit from the Council.

PART III – IDENTIFICATION

- 9. Every owner of a domestic animal shall:
 - (a) Have an identification tag on their animal that hangs or is attached to a collar and is easily visible
 - (b) The identification tag must contain the animal’s name, owner’s name, and a contact phone number for the owner

PART IV – DANGEROUS ANIMALS

Dangerous Animals

- 10. An animal is dangerous where it is proven that:
 - (a) the animal, without provocation, in a vicious or menacing manner, chased or approached a person or domestic animal in an apparent attitude of attack;
 - (b) 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;
 - (c) the animal has, without provocation, bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal; or
 - (d) the animal is owned primarily or in part for the purpose of fighting or is trained for fighting.
- 11. For the purposes of section 10, an animal is presumed not to have been provoked, in the absence of evidence to the contrary.

Exemption

- 12. 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) 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.

Dangerous Animal Hearings

13. If, in the opinion of a designated officer, an animal is dangerous or 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.
 - (a) when contemplating an order for destruction, the judge shall consider the following factors:
 - (i) the severity and degree of the animal's behavior;
 - (ii) the circumstances which formed the basis for the proceeding;
 - (iii) the severity and degree of any physical or psychological harm caused by the animal to another person or animal;
 - (iv) the history with respect to the animal including whether the animal has displayed previous aggressive or threatening behaviour or has been the subject of any previous dangerous animal complaints or Bylaw infractions;
 - (v) the ability and means of the owner, other than financial means, to reasonably and practicably exercise control over the animal to safeguard the public from any further actual or potential harm; and,
 - (vi) any other relevant facts or information which the judge deems pertinent to his or her disposition.
14. Notice of the hearing referred to in section 13 shall be served upon the owner of the animal by:
 - (a) by delivering it personally to the owner; or
 - (b) 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.
15. 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.
16. If the judge is satisfied, on the evidence, that the animal is dangerous, the judge may make an order including any or all of the following terms:
 - (a) if the owner removes the animal from the owner's property, the owner shall muzzle and leash it and keep it under direct control and supervision;
 - (b) the owner shall inoculate the animal against rabies;
 - (c) the owner shall report the sale or other disposition of the animal to a designated officer no more than 72 hours after the owner has given up possession of the animal;
 - (d) where the animal is moved to a different city or municipality, the owner shall notify the clerk of that city or municipality no more than 72 hours after the animal is moved to that city or municipality;
 - (e) where the animal is to be sold or given away, the owner shall:
 - (i) notify any prospective owner that the animal has been declared dangerous, before it is sold or given away; and
 - (ii) notify a designated officer of the name, address and telephone number of any new owner of the animal no more than 10 days after the new owner has taken possession of the animal;
 - (f) the owner shall, at the owner's expense and within 10 days of the date of the order, purchase a dangerous animal license every year thereafter for the remainder of the animal's lifetime, if required by the municipality;
 - (g) the owner shall have the animal identified by either microchip or tattoo;
 - (h) the owner shall keep the animal in an appropriate enclosure;
 - (i) the owner shall obtain and keep in effect liability insurance in an amount of not less than \$300,000.00 for any bodily injury to or death of any person or domestic animal, or for damage to property, caused by the animal and shall provide proof of such insurance to a designated officer within 10 days of the order;
 - (j) the owner shall display a sign, on the owner's property warning of the presence of the animal and shall continue to display that sign in good condition so long as the animal is present on the property;
 - (k) the owner shall have the animal spayed or neutered within 10 days of the date of the order;
 - (l) the owner shall take such other measures as the judge considers appropriate.

17. Notwithstanding section 16, 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.
18. Where an order has been made pursuant to section 17 against the owner, the owner may apply to the judge who made the order for an order that compliance with the provisions of clause 16(i) be waived.
19. On an application pursuant to section 18, the judge may waive compliance with clause 16(i), on any terms and conditions that the judge considers reasonable, where the judge is satisfied that the owner is unable to comply with the requirements of that clause for a reason other than the owner's financial circumstances.
20. 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 His Majesty's Court of King's Bench, and the provisions of Part XXVII of the Criminal Code apply with any necessary modification.

Owning or Training an Animal for a Dangerous Purpose

21. Any person who owns an animal for the purpose of fighting, or 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.

Threatening Behaviour by Animal

22. 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.
23. Where a person has been found guilty of an offence pursuant to section 22, the convicting judge may make an order including any or all of the requirements of section 16 or may make an order for destruction pursuant to section 17.

Non-Compliance with an Order

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

Order Binds Subsequent Owner

25. An order issued pursuant to this Part continues to apply if the animal is sold or given to a new owner or is moved to a different city or municipality.

Execution of Destruction Order

26. Unless the owner otherwise agrees, every order for destruction of an animal shall state that it shall not be implemented for eight days.
 - (a) a designated officer or Peace Officer enforcing an order of destruction after the time to file a notice of appeal to His Majesty's Court of King's Bench has lapsed shall be permitted to enter the property of the owner or any other party who on reasonable and probable grounds is believed to harbor, shelter or house the dangerous animal and take possession or control of the animal.
27. 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.
28. 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.

Return of Animal

29. 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.

Charges May be Added to Property Taxes

30. If a person owes the Town for costs incurred by the Town with respect to a dangerous animal, the Town may add the amount owing to the tax roll of any parcel of land for which the person holds the title or is the assessed person.
31. If an amount is added to the tax roll of a parcel of land pursuant to section 30, the amount:
 - (a) is deemed for all purposes to be a tax imposed pursuant to the Act from the date it was added to the tax roll; and
 - (b) forms a lien against the parcel of land in favour of the Town from the date it was added to the tax roll.

PART V – ENFORCEMENT, OFFENCES AND PENALTIES

Notices of Violation

- 32. When a designated officer has reason to believe that a person has contravened any provision of this Bylaw, the designated officer may issue a notice of violation to the person in contravention.
- 33. 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.
- 34. Where the office of any other agency approved by 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.
- 35. A Dangerous Animal Hearing as stipulated in section 13 can proceed, regardless of voluntary payment, if in the opinion of the designated officer, it is a matter of public safety.

Penalties for Offences Under Parts II, III, and IV

- 36. Any person who contravenes or fails to comply with any provision under Part II, III, or Part IV of this Bylaw is guilty of an offence and liable on summary conviction to:
 - (a) a fine in the amount set out in Schedule “A”; or
 - (b) where a fine is not specified, to a fine of up to \$10,000.00.
- 37. For the purpose of determining the applicable fine required by section 36(b), the number of offences shall be determined by the number of previous Notices of Violation, that are not subject of an appeal, issued in relation to that particular animal.
- 38. A Notice of Violation issued in the previous calendar year shall not be used to calculate the number of offences for the purpose of section 36(b).

Penalties for Offences Under Part IV

- 39. A person who is guilty of an offence pursuant to Part IV of this Bylaw is liable on summary conviction to a fine not exceeding \$10,000.00, or imprisonment for not more than one year, or both.

Right of Appeal

- 40. 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.

Payments

- 41. Any payment required pursuant to this Bylaw may be made at the Town of Rocanville Office. Accepted forms of payment are: cash, cheque, debit, e-transfer, or online payee through the person’s bank

Repeal

Bylaw 2019-02 is repealed upon the coming into force of this Bylaw.

Effective Date

This Bylaw comes into force on April 3, 2025.

- a) Read a first time this 19th day of March, 2025
- b) Read a second time this 2nd day of April, 2025
- c) Read a third time this 2nd day of April, 2025

Mayor

SEAL

Administrator

SCHEDULE "A"
FINES

Offence	Fine for First Offence	Fine for Second Offence	Fine for third and any Subsequent Offences
Failure to cause the animal to wear a valid animal identification tag	\$50.00	\$75.00	\$125.00
Allowing an animal to be at large	\$250.00	\$275.00	\$325.00
Failure to control an animal	\$100.00	\$125.00	\$175.00
Failure to accompany the animal or abide by the rules at an off leash dog park	\$200.00	\$225.00	\$275.00
Owning an animal that has committed an act causing harm to a person or domestic animal	\$500.00	\$625.00	\$775.00

Schedule “B”

Prohibited Animals

The following is a list of animals the keeping of which is prohibited within the Town of Rocanville:

- a. All Arachnids dangerous to humans (such as scorpions and tarantulas, except tarantulas of the genera Aphonopelma, Avicularia, and Grammostola);
- b. All Artiodactylus Ungulates (such as goats, sheep, cattle, pigs and llamas);
- c. All Bats;
- d. All Cocodilians (such as alligators, crocodiles and caimans);
- e. All Edentates (such as anteaters, sloths, and armadillos);
- f. All Elephants;
- g. All Felids, except the domestic cat;
- h. All Hyenas;
- i. All Marsupials (such as kangaroos and opossums);
- j. All Mustelids (such as skunks, weasels, otters, and badgers) except the domestic ferret;
- k. All non-human Primates (such as gorillas and monkeys);
- l. All Perissodactylus Ungulates (such as horses, donkeys, mules and asses);
- m. All Pinnipeds (such as seals, fur seals and walruses);
- n. All Procyonids (such as raccoons, coatis and cacomistles);
- o. All Raptors, diurnal and nocturnal (such as eagles, hawks and owls);
- p. All Ratite Birds (such as ostriches, rheas, and cassowaries);
- q. All Galliformes (such as chickens, turkeys, grouse, quails and pheasants);
- r. All Anseriformes (such as ducks and geese);
- s. All snakes of the families Pythonidae and Boidae;
- t. All Ursids (bears);
- u. All venomous Reptiles and Amphibians;
- v. All Viverrids (such as mongooses, civets and genets).

Examples of animals of a particular prohibited group are given in parentheses. They are examples only and shall not be construed as limiting the generality of the group.