

# VILLAGE OF AVONLEA

## BYLAW NO. 235-04

A Bylaw to control Dangerous Dogs within the Village of Avonlea

The Council of the Village of Avonlea, in the Province of Saskatchewan, enacts as follows:

1. For the purpose of this Bylaw the expressions:
  - a) "Dangerous Dogs" shall mean:
    - i) any dog which without provocation, in a vicious or menacing manner, chased or approached a person or domestic animal in an apparent attitude of attack;
    - ii) any dog having an inclination, tendency or disposition to attack without provocation, to cause injury, or to otherwise threaten the safety of persons or domestic animals;
    - iii) any dog which without provocation has bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal;
    - iv) any dog which is owned primarily or in part for the purpose of dog fighting or is trained for dog fighting;
    - v) all Pit Bull Terriers, Staffordshire bull terrier, American Staffordshire terrier, Doberman Pinscher and Rottweiler, or any dog of mixed breeding, which includes any of the aforementioned breeds.

But shall not include:

- i) any dog acting in the performance of police work; or
- ii) any dog working as a guard dog on commercial property;
  - (1) securely enclosed on the property by a fence or other barrier sufficient to prevent the escape of the dog and the entry of children of tender years; and
  - (2) defending that property against a person who was committing an offence.
- (b) "Judge" means a judge of the Provincial Court of Saskatchewan, a Justice of the Peace or a person designated by council.
- (c) "Owner" includes:
  - i) a person who keeps, possesses or harbors a dog;
  - ii) the person responsible for the custody of a minor where the minor is the owner of a dog;

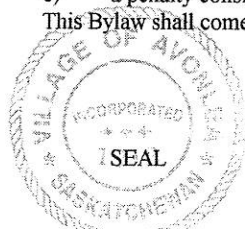
But does not include:

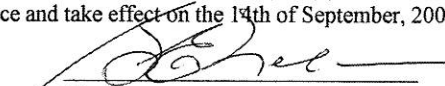
- iii) a veterinarian registered pursuant to The Veterinarians Act, 1987 who is keeping or harboring a dog for the prevention, diagnosis or treatment of a disease of or an injury to the dog;
- iv) a municipality, the Saskatchewan Society for the Prevention of Cruelty to Animals, a local Society for the Prevention of Cruelty to Animals or a Humane Society operating pursuant to The Animal Protection Act, with respect to an animal shelter or impoundment facility operated by any of them.
- v) "Provocation" means an act done intentionally for the purpose of provoking a dog. A dog is presumed not to have been provoked, in the absence of evidence to the contrary.


2. (a) No owner shall keep, possess or harbor a dangerous dog as specified in Section 1(a)(v) within the Village of Avonlea, or
- (b) An owner who keeps, possesses or harbors a dangerous dog as specified in section 1(a)

Shall:


- (1) keep the dog in an enclosure which shall be constructed of steel chain length fence and steel posts and in a manner adequate to:
    - a) confine the dog; and
    - b) prevent the entry of children of tender years.
  - (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 dog from escaping from the enclosures;
  - (3) the enclosure shall be at least 3 meters in length, 1.5 meters in width and 1.8 meters in height;
  - (4) the enclosure shall have a top secured to the sides of the enclosure.
  - (5) the enclosure shall:
    - i) have a floor secured to the sides of the enclosure; or
    - ii) the sides of the enclosure shall be embedded in the ground to a depth of at least 6 meters:
  - (6) the enclosure shall:
    - i) provide protection from the elements for the dog;
    - ii) provide adequate light and ventilation for the dog; and
    - iii) be kept in sanitary and clean condition.
  - (7) if the dog is removed from the enclosure, it shall be muzzled and leashed as follows:
    - a) fitted with a collar or a harness for the body that is placed and fitted on the dog;
    - b) the movement of the dog shall be controlled by a person by means of a leash attached to the collar or harness on the dog;
    - c) the leash shall not exceed 1.2 meters in length and shall be constructed of a material having a tensile strength of a least 140 kilograms;
    - d) the muzzle shall be properly tied on the dog to prevent it from biting any animal or person;
  - (8) within 10 days of dog being declared dangerous, provide proof to the administrator of the Village of Avonlea that liability insurance of not less than \$1 Million has been obtained for any bodily injury to or death of any person or domestic animal, or for damage to property caused by the dog.
  - (9) display a sign in the prescribed form and manner at each entrance to the premises where the dog is kept and on the enclosure in which the dog is confined. The sign shall be clearly visible and capable of being read from any adjacent public road and shall read "WARNING DANGEROUS DOG ON PREMISES".
3. Any Complaint that a dog is dangerous shall/may be made to and be heard by a judge.
  4. Any person found guilty of an infraction of this bylaw shall be liable on conviction to:
    - a) a fine of not more than \$10,000;
    - b) imprisonment for not more than six month;
    - c) a penalty consisting of any combination of clauses (a) or (b).
  5. This Bylaw shall come into force and take effect on the 14th of September, 2004.



  
Mayor

  
Administrator

Certified a true copy of Bylaw No.235-04 adopted by resolution by the Council of the Village of Avonlea on the 14th day of September, 2004

  
Administrator