



## CITY OF MOOSE JAW

### Office Consolidation

# Dangerous Dog Bylaw, 2006

Bylaw No. 5248

Date of Passage March 27, 2006  
(effective date March 27, 2006)

Including amendments to June 9, 2014

#### **Disclaimer:**

**This information has been provided solely for research convenience. Official bylaws are available at the Office of the City Clerk and must be consulted for purposes of interpretation and application of the law.**

**This Bylaw has been consolidated under the authority of the City Clerk. It represents proof, in absence of evidence to the contrary of:**

- (a) the original bylaw and of all bylaws amending it; and**
- (b) the fact of passage of the original and all amending bylaws.**

**AMENDMENTS****DATE PASSED****FORCE/EFFECT**

Bylaw No. 5483

June 9, 2014

June 9, 2014

# BYLAW NO. 5248

## A BYLAW OF THE CITY OF MOOSE JAW TO REGULATE THE KEEPING OF DANGEROUS DOGS IN THE CITY OF MOOSE JAW

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**WHEREAS** section 8 of *The Cities Act*, S.S. 2002, c. C-11.1, provides, in part, as follows:

“8(1) A city has a general power to pass any bylaw for city purposes that it considers expedient in relation to the following matters respecting the city:

(b) the safety, health and welfare of people and the protection of people and property;

(k) wild or domestic animals and activities related to them.

(2) A city has the power to make bylaws respecting the enforcement of bylaws made pursuant to this or any other Act, including any or all of the following:

(a) creating offences, including continuing offences;

(b) for each offence committed by an individual, imposing a fine not exceeding \$10,000 or providing for imprisonment for not more than one year, or both;

(c) for each offence committed by a corporation, imposing a fine not exceeding \$25,000 or providing for imprisonment of the directors of the corporation for not more than one year, or both;

(d) for each continuing offence, imposing a maximum daily fine, the total accumulation of which is not limited by the maximum fines set out in clauses (b) and (c);

(e) providing for the imposition of a penalty for an offence that is in addition to a fine or imprisonment so long as the penalty relates to a fee, cost, rate, toll or charge that is associated with the conduct that gives rise to the offence;

(f) providing that a specified penalty is reduced by a specified amount if the penalty is paid within a specified time;

(g) providing for imprisonment for not more than one year for non-payment of a fine or penalty;

(h) providing that a person who contravenes a bylaw may pay an amount established by bylaw within a stated period and that, if the amount is paid, the person will not be prosecuted for the contravention;

(i) providing for inspections to determine if bylaws are being complied with;

(j) remedying contraventions of bylaws, including providing for moving, seizing, impounding, destroying or otherwise dealing with or disposing of any type of real or personal property, including animals.

(3) Without restricting the generality of subsection (1), a power to pass bylaws given by this Act is to be interpreted as including the power to do all or any of the following:

(a) regulate or prohibit;

(b) deal with developments, activities, industries, businesses or things in different ways, and, in so doing, to divide each of them into classes or sub-classes, and deal with each class or sub-class in different ways;

(c) provide for a system of licenses, inspections, permits or approvals, including any or all of the following:

(i) subject to subsection (4), establishing fees for the activity authorized for the purpose of raising revenue;

- (ii) establishing fees that are higher for persons who or businesses that do not reside or maintain a place of business in the city;
  - (iii) prohibiting any development, activity, industry, business or thing until a license, permit or approval has been granted or an inspection has been performed;
  - (iv) providing that terms and conditions may be imposed on any license, permit or approval and setting out the nature of the terms and conditions and who may impose them;
  - (v) prescribing the rates that holders of licenses permits or approvals may charge their customers;
  - (vi) setting out the conditions that must be met before a license, permit or approval is granted or renewed, the nature of the conditions and who may impose them;
  - (vii) providing for the duration of licenses, permits and approvals and their suspension or cancellation for failure to comply with a term or condition of the bylaw or for any other reason specified in the bylaw;
  - (viii) determining the manner in which any license, permit or approval is to be allocated;
- (d) define any area of the city and within that area:
- (i) prohibit a business or class of business from operating;
  - (ii) limit the number of businesses in a particular class of business that may operate;
  - (iii) specify a minimum distance that two or more businesses within a class or two or more classes of business must be separated from one another;
- (e) provide for an appeal, the body that is to decide the appeal and related matters.

**AND WHEREAS** it is deemed expedient and in the public interest to regulate the keeping and disposition of dangerous dogs;

**NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF MOOSE JAW ENACTS AS FOLLOWS:**

**Short Title**

1. This bylaw may be cited as the *Dangerous Dog Bylaw, 2006*.

**Purpose**

2. The purpose of this bylaw is to promote the safety, health and welfare of people, the protection of property, and the humane treatment of dogs by regulating the keeping of dangerous dogs in the City of Moose Jaw.

## **Definitions**

3(1) In this bylaw, in any amending bylaws, and in any schedules attached hereto, the following words and terms shall have the following meanings unless there is something in the subject matter inconsistent therewith:

- (a) the word “**City**” means the Municipal Corporation of the City of Moose Jaw or, where the context requires, the geographical area within the city limits of the City of Moose Jaw;
- (b) the term “**Bylaw Enforcement Officer**” means the person or persons appointed by the City as a Bylaw Enforcement Officer for the purposes of enforcing the provisions of this bylaw and includes any duly authorized representative or designate of such person;
- (c) the term “**cost of impoundment**” includes the cost of impounding, feeding and caring for a subject dog, together with any charges or costs incurred in diagnosing or treating the dog;
- (d) the word “**enclosure**” includes a dwelling place;
- (e) the term “**Dangerous Dog Order**” means an Order of a judge pursuant to section 8 or 9 declaring a dog dangerous within the meaning of this Bylaw;
- (f) the term “**Evaluating Committee**” means two (2) veterinarians retained by the City for the purposes of evaluating a dog alleged to be dangerous within the meaning of section 5 of this bylaw;
- (g) the term “**Humane Society**” means the Moose Jaw Humane Society Incorporated or its duly authorized successor or designate;
- (h) the word “**judge**” means a judge of the Provincial Court of Saskatchewan or a justice of the peace;
- (i) the word “**owner**” includes:
  - (i) a person who keeps, possesses or harbors a dog to which this bylaw applies;
  - (ii) the person responsible for the custody of a minor where the minor is the owner of a dog to which this bylaw applies;

but does not include:

- (i) a veterinarian who is keeping or holding a dog to which this bylaw applies for the prevention, diagnosis or treatment of a disease or an injury to that dog;
  - (ii) the Humane Society with respect to a dog shelter or impoundment facility operated them;
  - (j) the term "**peace officer**" means peace officer within the meaning of the Criminal Code of Canada, R.S., c.C-34;
  - (k) the word "**provocation**" means an act done intentionally for the purpose of provoking a dog, including entering the owner's property with the intent to commit a criminal offence;
  - (n) the word "**veterinarian**" means a member in good standing of the Saskatchewan Veterinary Medical Association or the Saskatchewan Association of Veterinary Technologists.
- (2) The following schedules and forms are attached to, and form part of, this Bylaw:
- Appendix "A" - Dangerous Dog Warning.
  - Schedule "A" – Offences for which a Notice of Violation may be Used.
  - Form "1" – Notice of Violation (Front and Back).
  - Form "2" – Information.
  - Form "3" – Modified Criminal Code Summons (Front and Back).

### **Application**

4. This bylaw shall apply to domestic dogs in the City.

### **Dangerous Dogs**

- 5(1) A dog is dangerous where it is proven, on the balance of probabilities, that:
- (a) the dog has a demonstrable propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise threaten the safety of persons or domestic animals because of breeding, training, abuse, neglect or otherwise;
  - (b) the dog, without provocation, in a vicious or menacing manner, chased or approached a person or domestic animal in an apparent attitude of attack;
  - (c) the dog has, without provocation, bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal.

(2) For the purposes of this section, a dog is presumed not to have been provoked, in the absence of evidence to the contrary.

### **Exemption**

6. No dog shall be considered dangerous where an action described in section 5 occurred while the dog was:

- (a) acting in the performance of police work; or
- (b) working as a guard dog on property:
  - (i) 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
  - (ii) defending that property against a person who was committing an offence.

### **Evaluation of Dogs**

7(1) If a Bylaw Enforcement Officer receives a complaint alleging that a dog is dangerous within the meaning of section 5 and the Officer is satisfied that the subject dog may be dangerous within the meaning of this bylaw, that Officer may direct that the subject dog be evaluated by an Evaluating Committee and, in doing so, shall serve notice on the owner requiring the subject dog be presented by the owner for examination at a time and at a place to be set forth in the notice.

(2) The notice referred to in subsection (1) shall be served on the owner in accordance with section 24, stating the location, date and time of the evaluation.

*(Bylaw No. 5483)*

(3) Any person that is the subject matter of a notice issued pursuant to subsection (1), who fails to present the dog to the Evaluating Committee, at the time and at the place set forth in the said notice, is guilty of an offence.

(4) The owner shall transport the subject dog to the location of the evaluation on the date and at the time set forth in the said notice and shall present the dog for evaluation muzzled and leashed in accordance with section 17.

(5) Upon examination the subject dog, the Evaluating Committee shall prepare a report documenting the clinical observations made by the members of the Committee

during their examination of the subject dog, including any opinions that the members may have formed based on his/her observations regarding the propensity, tendency or disposition of the dog to attack without provocation, or to cause injury or to otherwise threaten the safety of persons or other domestic animals.

(6) A copy of the report referred to in subsection (5) shall be provided to the owner of the subject dog, to the Bylaw Enforcement Officer and to the City Solicitor.

(7) Upon reviewing the report of the Evaluating Committee, if the Bylaw Enforcement Officer has reasonable and probable grounds to believe that the dog is dangerous within the meaning of this bylaw, the Officer may swear an information before a justice of the peace as to the complaint, in which case, a hearing shall be conducted in accordance with section 8 of this bylaw, at which hearing, the report of the Evaluating Committee shall be tendered as evidence.

### **Dangerous Dog Hearings**

8(1) If a Bylaw Enforcement Officer has reasonable and probable grounds to believe that a dog is dangerous within the meaning of this bylaw, the Officer may swear an information before a justice of the peace as to the complaint, in which case, a hearing shall be conducted before a judge.

(2) The notice referred to in subsection (1) shall name the owner of the subject dog as the Respondent and shall be served in accordance with section 24, stating the location, date and time of the hearing and the nature of the Order that could be issued against the owner in relation to the subject dog.

*(Bylaw No. 5483)*

(3) The hearing referred to in subsection (1) shall be conducted by a judge to determine whether or not the subject dog is dangerous within the meaning of this bylaw.

(4) Where an owner does not appear at the time and place appointed for the hearing after having been notified of that time and 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.

(5) In a hearing pursuant to subsection (1), a copy of a written report of an Evaluating Committee is admissible in evidence as proof of the contents of that report without any further or other proof.



(6) If the presiding judge is satisfied, on the evidence, that the subject dog is dangerous, the judge may make an Order that the dog be destroyed or otherwise disposed of and shall give directions with respect to the said destruction or disposition of the dog.

(7) In the alternative to an Order pursuant to subsection (6), if the presiding judge is satisfied that reasonable measures can be put in place to adequately protect the public, while at the same time, ensuring the humane treatment of the subject dog, the presiding judge may make an Order declaring the subject dog to be dangerous and embodying any or all of the following terms:

(a) that the owner shall display signs, in accordance with section 16, on the owner's property warning of the presence of the dog and shall continue to display the signs in good condition so long as the dog is present on the property;

(b) that, if the dog is removed from the owner's property, the dog shall be muzzled and leashed in accordance with section 17 and kept under direct control and supervision;

(c) that the owner shall inoculate the dog against rabies in accordance with section 18;

(d) that the owner shall have the dog microchipped or tattooed in accordance with section 19;

(e) that the owner shall keep the dog in an enclosure in accordance with section 20;

(f) that, if the dog is moved to a different city or municipality, the owner shall notify the clerk or administrator of that city or municipality;

(g) that, if the dog is to be sold, given away or otherwise disposed of, the owner shall:

(i) notify the prospective owner that the dog has been declared dangerous, before it is sold or given away; and

(ii) notify the Bylaw Enforcement Officer of the proposed disposition and of the name, address and telephone number of the prospective owner of the dog;

(h) that, if the dog is unlicensed, the owner shall, at the owner's expense and within ten (10) days of the date of the order, purchase the requisite license for the dog;

- (i) that 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 dog;
- (j) that the owner shall have the dog spayed or neutered;
- (k) that the owner pays the costs of impoundment of the subject dog, together with any costs incurred in evaluating the dog pursuant to section 7;
- (l) that the owner shall take such other measures as the judge considers appropriate.

### **General Offences and Penalties**

- 9(1) Any person who owns a dog for the purpose of dog fighting, or trains, torments, badgers, baits or otherwise uses a dog for the purpose of causing or encouraging the dog to make unprovoked attacks on persons or domestic animals is guilty of an offence.
- (2) Any person who does not comply with any part of an Order made against him or her pursuant to subsections 8(6) and (7) is guilty of an offence.
- (3) Any person who owns a dog that, without provocation, attacks, assaults, wounds, bites, injures or kills a person or another domestic animal, is guilty of an offence.
- (4) A person who is guilty of an offence pursuant to this section is liable on summary conviction:
  - (a) in the case of an individual, to a fine not exceeding \$10,000.00, or imprisonment for not more than one year, or both;
  - (b) in the case of a corporation, to a fine not exceeding \$25,000.00, or imprisonment of the directors of the corporation for not more than one year, or both.
- (5) In addition to imposing the penalty under subsection (4), the judge may make an Order that the subject dog be destroyed or otherwise disposed of and shall give directions with respect to the destruction or disposition of the subject dog.
- (6) In addition to imposing the penalty under subsection (4), the judgment may make an Order that the owner pays the costs of impoundment of the subject dog, together with any costs incurred in evaluating the dog pursuant to section 7.

### **Delayed Execution of Destruction Order**

10(1) Unless the owner otherwise agrees, every Order for the destruction of a dog shall not be implemented for eight (8) days from the date of the Order.

(2) The owner shall be responsible for the payment of any costs of impoundment of the dog pending the execution of the destruction order.

### **Appeal of Orders**

11(1) A person desiring to appeal an Order pursuant to sections 8 or 9 shall, within seven (7) days of that Order, file a notice of appeal with Her Majesty's Court of Queen's Bench, and the provisions of Part XXVII of the Criminal Code apply with any necessary modification.

(2) Where an appeal is taken against an order for the destruction of a dog, the application of the Order is stayed pending the disposition of the appeal.

(3) Regardless of the outcome of the appeal, the owner shall be responsible for the payment of the costs of impoundment of the dog pending the appeal.

(4) Where the judge on appeal overturns the order for destruction of the dog, the dog shall be released to the owner upon payment by the owner of the costs of impoundment of the dog pending the appeal.

### **Order Binds Subsequent Owner**

12. An order issued pursuant to section 8 or 9 continues to apply if the dog is sold or given to a new owner or is moved to a different municipality.

### **Inspection of Property for Compliance**

13(1) Subject to the provisions of this Bylaw, peace officers and Bylaw Enforcement Officers are authorized to inspect any property or premises in or adjacent to the City of Moose Jaw to determine if the requirements of this Bylaw or any Orders issued pursuant to subsections 8(6) and (7) are being complied with or contravened, as the case may be.

(2) All Bylaw Enforcement Officers appointed pursuant to the authority of this Bylaw, during the term of their appointment, are designated for the purpose of conducting inspections within the meaning of section 324 of The Cities Act and all

inspections conducted pursuant to the authority of this Bylaw shall be carried out in accordance with the provisions of this Bylaw and *The Cities Act*.

(3) Subject to subsection (4) and (5), for purposes of inspection, a Bylaw Enforcement Officer may enter and inspect any property during daylight hours or any business premises during normal business hours, with or without the consent of the owner or occupant of that property or premises.

(4) In the event the owner or occupant of a property or premises that is the subject matter of an inspection asks or directs a Bylaw Enforcement Officer to leave, that officer and any person assisting that officer shall promptly and directly exit that property or premises, as the case may be.

(5) No Bylaw Enforcement Officer shall enter a dwelling house or any other building or structure located on residential property without the consent of the owner or occupant of that property.

(6) In the event a Bylaw Enforcement Officer is refused access or entry to any property or premises pursuant to subsections (4) or (5), that Officer may apply to a justice of the peace or a provincial court judge for a warrant pursuant to section 325 of *The Cities Act*.

### **Exigent circumstances**

14(1) A peace officer may seize, without warrant, any dog:

- (a) that the officer finds attacking a person or another domestic animal; or
- (b) if the officer has reasonable and probable grounds to believe that the dog is dangerous within the meaning of this bylaw and the owner of that dog can not be located.

(2) All dogs seized pursuant to subsection (1) shall be held by:

- (a) a veterinarian for the diagnosis and treatment of a disease or an injury to that dog pending hearing; or
- (b) the Humane Society for evaluation pursuant to section 7 or pending hearing pursuant to section 8 of this bylaw;

(3) A dog seized pursuant to subsection (1) may be released to the owner pending hearing:

- (a) if the peace officer is satisfied that reasonable measures can be put in place to adequately protect the public, while at the same time, ensuring the humane treatment of the subject dog; and
  - (b) after the owner has paid the costs of impoundment of the dog, together with any costs incurred in evaluating the dog pursuant to section 7.
- (4) A peace officer may destroy any dog that the officer finds injuring or viciously attacking a person.
- (5) A peace officer who, in good faith, destroys a dog pursuant to subsection (4) is not liable to the owner for the value of the dog.

### **Charges May Be Added to Property Taxes**

15(1) The City may pay any costs for which the owner of a dog is responsible pursuant to this bylaw and may add the amount to the tax roll of any parcel of land for which the owner is an assessed person.

- (2) If an amount is added to the tax roll of a parcel of land pursuant to subsection (1), the amount:
- (a) is deemed for all purposes to be a tax imposed pursuant to *The Cities Act, supra*, from the date it was added to the tax roll; and
  - (b) forms a lien against the parcel of land in favour of the City from the date it was added to the tax roll.

### **Signs**

16(1) Where a judge orders that the owner of a dog display signs pursuant to section 8, the owner of the dog shall, within ten (10) days of the date of the order, display signs in the form illustrated in Appendix “A”.

- (2) A sign in the form required by subsection (1) shall be placed at each entrance to the premises where the dog is kept and on the enclosure in which the dog is confined.
- (3) A sign in the form required by subsection (1) shall be clearly visible and capable of being read from any adjacent public road.

### **Criteria for Muzzle and Leash for Dangerous Dogs**

17. Where a judge orders that a dog be muzzled and leashed when removed from the owner's property pursuant to section 8, the dog shall be equipped with a muzzle and be secured by a leash in accordance with the following criteria:

- (a) the dog shall be fitted with a collar or harness for the body that is properly 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 metres in length and shall be constructed of a material having a tensile strength of, at least, 140 kilograms;
- (d) the muzzle on the dog shall be properly fitted on the dog to prevent it from biting any animal or person;
- (e) the muzzle shall be fitted on the dog in a manner that it will not interfere with the vision or respiration of the dog.

### **Inoculation**

18(1) Where a judge orders that a dog be inoculated against rabies pursuant to section 8, the owner of the dog shall, at the owner's expense and within ten (10) days of the date of the order, have the dog inoculated against rabies by a veterinarian and provide proof to the Bylaw Enforcement Officer that the dog has been inoculated.

(2) Where the owner of a dog provides proof that the dog has been inoculated against rabies during the period of twelve (12) months prior to the date of the order, the owner is not required to comply with subsection (1) until the expiration of twelve (12) months from the date of inoculation of the dog.

(3) The owner of a dog shall have the dog inoculated within each twelve (12) month period following the inoculation mentioned in subsection (1) or (2) during the lifetime of the dog.

### **Identification of Dangerous Dogs**

19(1) Where a judge orders that a dog be microchipped or tattooed pursuant to section 8, the owner of the dog shall, at the owner's expense and within ten (10) days of the date of the order, cause the dog to be microchipped or tattooed by a veterinarian.

(2) A tattoo provided for by subsection (1) shall be made with indelible or permanent ink inside the dog's outer ear or inside the dog's flank and shall consist of an alphanumeric code assigned by the veterinarian.

(3) The owner shall, within the ten (10) day period referred to in subsection (1), advise the Bylaw Enforcement Officer of the number associated with the microchip or of the alphanumeric code comprising the tattoo.

(4) If the owner of the dog provides proof that the dog was microchipped or tattooed in a manner consistent with this section prior to the judge's order, the owner is not required to comply with subsection (1) but shall, within the ten (10) day period referred to in subsection (1), advise the Bylaw Enforcement Officer of the number associated with the existing microchip or of the alphanumeric code comprising the existing tattoo.

### **Enclosures for Dangerous Dogs**

20. Where a judge orders that a dog be kept in an enclosure pursuant to section 8, the enclosure must comply with the following criteria:

(a) the enclosure shall be constructed of a building material of sufficient strength and in a manner adequate to:

- (i) confine the dog; and
- (ii) prevent the entry of children of tender years;

(b) 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 enclosure;

(c) the enclosure shall be at least 4 metres in length, 2 metres in width and 1.8 metres in height;

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

(e) 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 0.6 metres;

(f) 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 a sanitary and clean condition.

### **Quarantine**

21. Where a dog has bitten a person, the owner of the dog shall, unless the dog is ordered destroyed, quarantine the dog for observation for symptoms of rabies for a period of not less than ten (10) days in accordance with the Health of Animals Act (Canada).

### **Rabies Test of Dogs**

22(1) Every person who destroys a dog following the biting of a person, whether the destruction is pursuant to an order of a judge or court or at the decision of the owner of the dog, shall, if the destruction is carried out before the completion of the quarantine period mentioned in section 21, retain the head of the dog in a manner usable for testing the dog for rabies.

(2) Where a person destroys a dog in the circumstances described in subsection (1), the person shall immediately notify the Bylaw Enforcement Officer that he or she is in possession of the head of a dog to be tested for rabies.

### **Off-Leash Dog Park**

23 Dangerous Dogs are not permitted in the Off-Leash Dog Park located at the Hamilton Flats.

*(Bylaw No. 5483)*

### **Service of Notices**

24. Notices issued pursuant to section 7(1) or 8(1) shall be served:

- (a) in the case of an owner who is an individual:
  - (i) by delivering it personally to the owner; or
  - (ii) 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;
- (b) in the case of an owner that is a corporation:
  - (i) by sending it by registered mail to the registered office of the corporation; or



(ii) by delivering it personally to the manager, secretary or other executive officer of the corporation or the person in charge of any office or other place where the corporation carries on business in Saskatchewan.

### **Indemnification**

25. Where a claim of damage is made, or a civil action is instituted, against a member of an Evaluating Committee by reasons of the evaluation of a dog pursuant to section 7 or the expression of opinions or observations by a member of an Evaluating Committee in a report prepared pursuant to section 7 or the reliance by any persons on the opinions or observations set forth in a report prepared pursuant to section 7, the City shall:

- (a) retain and pay for the services of a legal council to act on behalf of that member; and
- (b) pay any sum required in connection with a judgment or settlement of a claim for damages and costs awarded against the member, excluding damages or costs associated with gross negligence on the part of the member.

### **Immunity**

26. No member of an Evaluating Committee shall be liable for, and no action shall be commenced in respect of, any losses or damages suffered by any person by reason of:

- (a) the evaluation of a dog by a member of an Evaluating Committee pursuant to section 7, including the care and control of the subject dog concomitant with such evaluation; or
- (b) the fact that a dog, that was the subject matter of an evaluation by an Evaluating Committee pursuant to section 7, may subsequently display a propensity, tendency or disposition to attack, to cause injury or to otherwise threaten the safety of persons or domestic animals that may not have been observed by the members of the Evaluating Committee at the time of evaluation.

**Offences, Re: Failing to Comply with Dangerous Dog Order**

27. No person to whom a Dangerous Dog Order has been issued pursuant to this Bylaw shall:

- (a) fail to display signs in accordance with section 16, if Ordered to do so pursuant to a Dangerous Dog Order;
- (b) fail to muzzle the subject dog in accordance with section 17 when the dog is removed from the owner's property, if Ordered to do so pursuant to a Dangerous Dog Order;
- (c) fail to keep the subject dog on a leash in accordance with section 17 when the dog is removed from the owner's property, if Ordered to do so pursuant to a Dangerous Dog Order;
- (d) fail to inoculate the subject dog against rabies in accordance with section 18, if Ordered to do so pursuant to a Dangerous Dog Order;
- (e) fail to construct an enclosure in accordance with section 20, if Ordered to do so pursuant to a Dangerous Dog Order;
- (f) fail to notify the Bylaw Enforcement Officer if the subject dog is sold, given away or otherwise disposed of, if Ordered to do so pursuant to a Dangerous Dog Order;
- (g) fail to obtain the requisite license for the subject dog, if Ordered to do so pursuant to a Dangerous Dog Order;
- (h) fail to have the subject dog spayed or neutered, as the case may be, if Ordered to do so pursuant to a Dangerous Dog Order.

**Notice of Violation**

28(1) Where a person commits or is alleged to have committed an offence for which a penalty is set out in Schedule "A" of this Bylaw, a Bylaw Enforcement Officer or peace officer may issue a Notice of Violation to such person.

(2) The Notice of Violation shall be in the form or substantially in the form of Form "1" and shall provide for the voluntary payment of a penalty in the amount set forth in Column A of Schedule "A" for the offence which the person is alleged to have committed.

- (3) Voluntary payment of a penalty specified in a Notice of Violation shall be made on or before the date indicated on the Notice of Violation. Voluntary payment shall be made in person at the front counter of the Finance Department at City Hall during normal business hours.
- (4) If payment of the amount specified on the Notice of Violation is made on or before the date indicated on the Notice of Violation, the person alleged to have committed the offence shall not be liable to prosecution for the offence indicated.
- (5) If payment of the amount specified on the Notice of Violation is not made on or before the date indicated on the Notice of Violation, a peace officer shall lay an information under oath as to the offence before a Justice of the Peace for the purpose of obtaining a Summons.
- (6) The Summons shall be in the form or substantially in the form of Form 3 and shall provide for the voluntary payment of a penalty in the amount set forth in Column B of Schedule "A" for the offence which the person is alleged to have committed. The Summons shall be issued by a Justice of the Peace and shall be served by a peace officer or other authorized person.
- (7) Voluntary payment of a penalty specified in a Summons shall be made on or before the date indicated on the Summons. Voluntary payment shall be made in person at the front counter of the Moose Jaw Police Service at the Moose Jaw Police Station during normal business hours.
- (8) If payment of the amount specified on the Summons is made on or before the date indicated on the Summons, the person alleged to have committed the offence shall not be liable to prosecution for the offence indicated.
- (9) If payment of the amount specified on the Summons is not made on or before the date indicated on the Summons, the person to whom the Summons has been issued shall be liable to prosecution for the alleged contravention of the Bylaw.
- (10) Nothing in this section shall be construed to prevent any person from exercising his or her right to defend a charge of contravention of any provision of this Bylaw.

**Coming Into Force**

29. This bylaw shall come into force on the day of its final passing.

PASSED AND ENACTED ON THE 27<sup>th</sup> DAY OF MARCH, A.D. 2006.

(Sgd.) "Al Schwinghamer"  
MAYOR

(Sgd.) "Steven D. Schiefner"  
CITY CLERK

READ a first time the 27<sup>th</sup> day of March A.D. 2006

READ a second time the 27<sup>th</sup> day of March A.D. 2006

READ a third time the 27<sup>th</sup> day of March A.D. 2006

H:\Clerk2\2006\MUNICIPAL GOVERNANCE-2100\Bylaws\Dangerous Dog Bylaw\Documents\BL5248 - Dangerous Dog Bylaw,  
2006.ver3.doc

APPENDIX "A"  
TO BYLAW 5248  
SECTION 16

**WARNING**



DANGEROUS DOG ON PREMISES

**SCHEDULE “A”**  
**Bylaw No. 5248, the Dangerous Dog Bylaw, 2006**

Offences for which a Notice of Violation May be Issued



Section #	Description of Offence	Column “A”	Column “B”
7(4)	Failing to muzzle the subject dog when presented for evaluation by Evaluating Committee.	\$100.00	\$150.00
7(4)	Failing to have the subject dog securely on leash when presented for evaluation by Evaluating Committee.	\$100.00	\$150.00
27(a)	Failing to display signs in accordance with section 16, if Ordered to do so pursuant to a Dangerous Dog Order	\$200.00	\$300.00
27(b)	Failing to muzzle the subject dog in accordance with section 17 when the dog is removed from the owner’s property, if Ordered to do so pursuant to a Dangerous Dog Order.	\$400.00	\$600.00
27(c)	Failing to keep the subject dog on a leash in accordance with section 17 when the dog is removed from the owner’s property, if Ordered to do so pursuant to a Dangerous Dog Order.	\$600.00	\$1,000.00
27(d)	Failing to inoculate the subject dog against rabies in accordance with section 18, if Ordered to do so pursuant to a Dangerous Dog Order.	\$400.00	\$600.00
27(e)	Failing to construct an enclosure in accordance with section 20, if Ordered to do so pursuant to a Dangerous Dog Order.	\$400.00	\$600.00
27(f)	Failing to notify the Bylaw Enforcement Officer if the subject dog is sold, given away or otherwise disposed of, if Ordered to do so pursuant to a Dangerous Dog Order.	\$200.00	\$300.00
27(g)	Failing to obtain the requisite license for the subject dog, if Ordered to do so pursuant to a Dangerous Dog Order.	\$200.00	\$300.00
27(h)	Failing to have the subject dog spayed or neutered, if Ordered to do so pursuant to a Dangerous Dog Order.	\$400.00	\$600.00

*(Bylaw No. 5483)*

# FORM "1"

## Bylaw No. 5248, the Dangerous Dog Bylaw, 2006

Notice of Violation (Front)

	<b>CITY OF MOOSE JAW NOTICE OF VIOLATION</b>	
MJPS File #: _____		Ticket: _____
Date of Offence: _____ <i>Day/Month/Year</i>		Time: _____ AM/PM
Name of Accused: _____ <i>Last/ First/ Other</i>		
Date of Birth: _____ <i>Day/Month/Year</i>		P.I.C. # _____
Address of Accused: _____ _____		
Location of Violation: _____ _____		
Description of Violation: _____ _____		
You are charged with a violation of the City of Moose Jaw's Bylaw Section _____		
<input type="checkbox"/> Bylaw # 4495 ( <u>Dog Bylaw</u> )	<input type="checkbox"/> Bylaw # 5152 ( <u>Sewer and Water Utility Bylaw</u> )	
<input type="checkbox"/> Bylaw # 5192 ( <u>Smoking Bylaw</u> )	<input type="checkbox"/> Bylaw # 5156 ( <u>Waste Management Bylaw</u> )	
<input type="checkbox"/> Other _____		
A voluntary payment of \$ _____ may be paid at City Hall in accordance with the instructions on the back.		
If the voluntary payment is received no later than the _____ day of _____, 20____, you will not be prosecuted for this offence.		
Issued by: _____		
Avoid prosecution by paying promptly. Unless payment is received by the City of Moose Jaw in accordance with the instructions contained herein, a <u>Criminal Code</u> (Canada) Summons will be issued commanding you to appear in Court with respect to this matter. In addition, the penalty will increase to the maximum specified in the Bylaw for this offence.		
Payment instructions are on the back.		
(Revised: 2004 Jan 20)		

## FORM "1", continued

### Bylaw No. 5248, the Dangerous Dog Bylaw, 2006

#### Notice of Violation (Back)

#### PAYMENT INSTRUCTIONS

1. Make all cheques or Money Orders payable to the "City of Moose Jaw".
2. Do not mail cash. The City of Moose Jaw assumes no responsibility for cash sent through the mail.
3. Where a receipt is required, payment may be made in person at the City Cashier, City Hall, 228 Main Street North, Moose Jaw, Saskatchewan, during normal business hours. Ticket must be presented with payment.
4. Where a receipt is not required, payment may be mailed to the City Treasurer, City of Moose Jaw, 228 Main Street North, Moose Jaw, Saskatchewan, S6H 3J8. Enclose ticket and payment in envelope.
5. Avoid prosecution by paying promptly. If prompt payment is not received in accordance with the instructions contained herein, a *Criminal Code (Canada)* Summons will be issued commanding you to appear in Court with respect to this matter.
6. The voluntary payment provided herein is reduced from the full penalty prescribed in the bylaw. If prompt payment is not received in accordance with the instructions contained herein, the penalty will increase in accordance with the provisions of the bylaw.
7. For enquiries, please contact 694-7660.



# FORM "2"

## Bylaw No. 5248, the Dangerous Dog Bylaw, 2006

### Information

#### INFORMATION

Information No. \_\_\_\_\_

Ticket No. \_\_\_\_\_

Canada }  
Province of Saskatchewan } **ON BEHALF OF HER MAJESTY THE QUEEN**  
Provincial Court, City of Moose Jaw }

**THIS IS THE INFORMATION OF** [insert name, address and occupation of informant]

(hereinafter called the Informant). The informant says that he/she has reasonable and probable grounds to believe and does believe that:

[insert name, address and birth date of accused] did;

on or about the \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_ at the City of Moose Jaw, in the Province of Saskatchewan, commit the following offence:

[insert description of offence]

contrary to the provisions of the Dangerous Dog Bylaw, 2006 being Bylaw No. 5248 of the said City.

**AND FURTHER** the Informant says that a Notice of Violation for the above captioned offence was issued and that no payment has been received in accordance with the instructions contained in the said Notice.

SWORN BEFORE ME this \_\_\_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_\_, at Moose Jaw in the Province of Saskatchewan.

\_\_\_\_\_  
Signature of Informant

\_\_\_\_\_  
A JUSTICE OF THE PEACE IN AND FOR THE  
PROVINCE OF SASKATCHEWAN

**FORM "3"**

**Bylaw No. 5248, the Dangerous Dog Bylaw, 2006**

Modified Criminal Code Summons (Front)

**SUMMONS TO A PERSON  
CHARGED WITH A VIOLATION**

Ticket No. \_\_\_\_\_

Canada }  
Province of Saskatchewan } **ON BEHALF OF HER MAJESTY THE QUEEN**  
Provincial Court, City of Moose Jaw }

TO \_\_\_\_\_ Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_  
\_\_\_\_\_

**WHEREAS YOU HAVE THIS DAY BEEN CHARGED BEFORE ME** that, on or about the \_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_ at the City of Moose Jaw, in the Province of Saskatchewan, you did commit the following offence:

contrary to the provisions of the Dangerous Dog Bylaw, 2006, being Bylaw No. 5248 of the said City.

**AND WHEREAS** a Notice of Violation for the above captioned offence was issued and our records indicate that no payment has been received in accordance with the instructions contained in the said Notice.

**IF VOLUNTARY PAYMENT IN THE AMOUNT OF \_\_\_\_\_ IS NOT RECEIVED ON OR BEFORE \_\_\_\_\_, YOU ARE COMMANDED, IN HER MAJESTY'S NAME:**

(1) to appear before the presiding judge of **The Provincial Court of Saskatchewan at 110 Ominica Street West**, Moose Jaw, Saskatchewan, on the \_\_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_ at \_\_\_\_ o'clock in the \_\_\_\_ noon (Moose Jaw Time) or before any justice for the said Province who is there, and to attend thereafter as required by the Court in order to be dealt with according to law; and

**YOU ARE WARNED THAT FAILURE WITHOUT LAWFUL EXCUSE TO ATTEND COURT IN ACCORDANCE WITH THIS SUMMONS IS AN OFFENCE UNDER SUBSECTION 145(4) OF THE CRIMINAL CODE (CANADA).**

DATED this \_\_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_\_, at Moose Jaw in the Province of Saskatchewan.

\_\_\_\_\_  
A JUSTICE OF THE PEACE IN AND FOR THE  
PROVINCE OF SASKATCHEWAN

**SUBMIT THIS STUB WITH PAYMENT**

**Payment Instructions on the Back**

**Ticket No. \_\_\_\_\_**

Payment to:  
The City of Moose Jaw c/o The Moose Jaw Police Service  
21 Fairford Street W.  
Moose Jaw, Saskatchewan, S6H 1V2

## FORM “3”, continued

### Bylaw No. 5248, the Dangerous Dog Bylaw

Modified Criminal Code Summons (Back)

#### SUMMONS TO A PERSON CHARGED WITH A VIOLATION

#### PAYMENT AND OTHER INSTRUCTIONS

1. Payment may be made in person at the front counter of the Moose Jaw Police Station, 21 Fairford Street West, during normal business hours.
2. Payment may also be made by mailing this Summons, together with the exact amount of the penalty specified therein for voluntary payment, to the following address:

The City of Moose Jaw, c/o  
The Moose Jaw Police Service  
21 Fairford Street West  
Moose Jaw, Saskatchewan  
S6H 1V2.
3. **Payment must be received prior to the date specified in the summons. Voluntary payment can not, and will not, be accepted after the date specified for voluntary payment. If you choose to send your payment by mail, it is your responsibility to ensure that your payment is posted in sufficient time to be received prior to the date specified.**
4. **Avoid prosecution by paying promptly. If payment is not received by the City of Moose Jaw in accordance with the instructions contained herein, a mandatory court appearance is required at the time and place specified herein.**
5. You are warned that failure, without lawful excuse, to attend court in accordance with this summons is an offence under subsection 145(4) of the Criminal Code (Canada), which provides as follows:

“(4) Every one who is served with a summons and who fails, without lawful excuse, the proof of which lies on him, to appear at a time and place stated therein, if any, for the purposes of the Identification of Criminals Act (Canada) or to attend Court in accordance therewith, is guilty of:

  - (a) an indictable offence and is liable to imprisonment for a term not exceeding two years; or
  - (b) an offence punishable on summary conviction.”
6. For enquiries, please contact the Moose Jaw Police Service at 694-7660.