



CITY OF MOOSE JAW

Office Consolidation

DOG BYLAW

Bylaw No. 4495

Date of Passage November 16, 1987
(effective date January 1, 1988)

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. 4606
Bylaw No. 4678
Bylaw No. 4848
Bylaw No. 5170
Bylaw No. 5463
Bylaw No. 5475
Bylaw No. 5482

October 30, 1989
February 25, 1991
June 6, 1994
June 17, 2002
December 9, 2013
May 5, 2014
June 9, 2014

January 1, 1990
August 15, 1991
June 6, 1994
January 1, 2002
December 9, 2013
May 5, 2014
June 9, 2014

BYLAW NO. 4495
A BYLAW OF THE CITY OF MOOSE JAW
FOR LICENSING DOGS AND REGULATING
AND CONTROLLING PERSONS OWNING
OR HARBOURING DOGS

1 This bylaw may be referred to as the Dog Bylaw.

(Bylaw 5170)

1. In this Bylaw:

- (a) "**Animal Control Officer**" means that person appointed by the Council for the purposes of this Bylaw;
- (b) "**Council**" means the Council of the City of Moose Jaw;
- (c) "**Dogs**" includes all species of the animal commonly known as dogs, male or female, and of every breed or classification or mixture of breeds;
- (d) "**Kennel**" means any structure used by any person for boarding or otherwise caring for, training or whelping dogs exceeding three (3) dogs in number over the age of three (3) months, whether or not for reward, but does not include:
 - (i) any premises occupied by a duly qualified veterinary surgeon for the practice of his profession; or,
 - (ii) the dwelling house of an ordinary member of the Canadian Kennel Club, where the total number of dogs kept by the member does not exceed five (5) in number, and not more than three (3) of the dogs are kept outside the dwelling house;
- (e) "**License Inspector**" means the person appointed by City Council as the License Inspector for the City of Moose Jaw or his/her duly authorized representative or designate;
- (f) "**License Year**" means the period from April 1st to March 31st of the succeeding year, both dates inclusive;
- (g) "**Magistrate**" means a Judge of the Provincial Court;
- (h) "Medical Health Officer" means the Medical Health Officer of the City of Moose Jaw;
- (i) "**Owner**" means any person, partnership, association, or corporation owning, possessing, harbouring, having charge of or control over any dog, and includes a keeper of a dog;
- (j) "**Pound Keeper**" means that person, corporation, society or organization as may from time to time be appointed by the City Commissioners for the purpose of retaining impounded dogs pursuant to this Bylaw;
- (k) "**Running at Large**" means off the premises of the owner, other than the Off-Leash Dog Park, when not on a leash held by a person able to control the dog;
- (l) "Off-Leash Dog Park" means the Off-Leash Dog Park located at the Hamilton Flats."

(Bylaw No. 4495, 5170 & 5482)

PART 1 -- LICENSING OF DOGS

2. No owner of any dog shall be in possession of such dog unless such dog has been licensed for the current license year.

(Bylaw No. 4495)

- 3(1) The annual license fee charged for various kinds, species or breeds of dogs, owned, possessed or harboured by any person while resident in the City of Moose Jaw, excepting seeing eye dogs and any dog used for police work by the City Police and R.C.M.P., shall be in accordance with the schedule of fees prescribed in Schedule "A" attached to this bylaw.

- (2) Notwithstanding anything contained in this Bylaw, seeing eye dogs used as a guide by a blind person shall be licensed, and the License Inspector shall issue the license without payment of the license fee.

(Bylaw No. 4495)

- 4(1) The owner of every dog shall apply to the License Inspector on or before April 1st of each year for a license to keep such dog within the City, tendering with such application, the required annual fee therefor, according to Schedule "A" attached to this Bylaw and upon the receipt thereof the License Inspector shall issue a license for each dog owned by the owner.

- (2) Upon the first application for a license being received by the License Inspector, the License Inspector shall, in addition to issuing a license, issue a tag for the dog.

(Bylaw No. 4606)

- 5(1) Every applicant for license for a spayed bitch or emasculated male dog, shall produce to the License Inspector, at the time of making application, a certificate of Veterinary Surgeon, that such bitch has been spayed, or that such dog has been emasculated;

- (2) Every applicant for a license for a dog that has been vaccinated for rabies within the previous twelve (12) months shall produce to the License Inspector a Certificate of a Veterinary Surgeon, that such dog has been vaccinated for rabies with the previous twelve (12) months.

(Bylaw No. 4495)

6. All license fees required to be paid under this Bylaw shall be paid to the License Department of the City, located at the City Hall, Moose Jaw.

(Bylaw No. 4495)

7. The tag issued by the License Inspector shall bear a serial number and a record shall be kept by the License Inspector showing the name and address of the owner and a description of each dog owned by him including its breed, colour, sex, age and name and the serial number of the tag issued for each dog.

(Bylaw No. 4495 and 4606)
8. The owner shall ensure that a collar, and the tag issued by the License Inspector, are worn by the dog when the animal is off the premises of the owner.

(Bylaw No. 4495)
9. No authorized person shall remove a collar or dog tag from a dog.

(Bylaw No. 4495)

PART II --IMPOUNDING OF DOGS

- 10(1) Every owner whose dog is running at large is guilty of an offence and liable on summary conviction to the penalties prescribed in this Bylaw.
- (2) No owner or other person shall use a leash greater than two (2) meters in length on a dog, when such dog is off the premises of the owner, and where a leash greater than two (2) meters in length is used by the owner or any other person, the dog shall be deemed to be running at large.

(Bylaw Nos. 4495 and 4678)
11. For the purpose of impounding any dog found running at large in the City of Moose Jaw, a pound shall be established at such place or places as may from time to time be designated by the City Commissioners and the City Commissioners shall from time to time appoint one or more Pound Keepers, and fix their remuneration.

(Bylaw No. 4495)
12. The Animal Control Officer or any police constable may capture or seize any dog found running at large contrary to the provisions of this bylaw, and shall deliver such dog to the pound, and it shall thereupon be impounded and kept for one hundred and twenty (120) hours and if not claimed and redeemed by the owner, the dog may be sold for the cost of boarding, vaccination against rabies and if applicable, license fees, but if such impounded dog is not claimed and redeemed or sold within a period of one hundred and twenty (120) hours, from the time of impoundment, the said dog may be destroyed or disposed of by the Pound Keeper.

(Bylaw No. 5463)
13. Pound Fees shall be as prescribed in Schedule "A", and shall be in addition to any charges for food or otherwise, that the Pound Keeper may impose.

(Bylaw No. 4495)

PART III -- DUTIES OF DOG OWNERS

14. No owner or keeper of a dog shall permit his dog or dogs on any school ground, playground or posted parkland area except when the owner or keeper is attending a recognized training or obedience school for training his dog.
(Bylaw No. 4495)
15. Any owner of any dog found chasing any pedestrian, vehicle, horse or any other animal, on a public thoroughfare shall be in violation of this Bylaw.
(Bylaw No. 4495)
16. A female dog in heat shall be confined and housed in the residence of the owner or person having control of the dog, or taken to a licensed kennel during the whole period that the dog is in heat; except that a female dog may be allowed outside the said residence for the sole purpose of permitted the dog to defecate on the premises of the owner.
(Bylaw No. 4495)
- 17(1) If a dog defecates on any public or private property other than the property of its owner, the owner or keeper shall cause such defecation to be removed immediately.
- (2) Where, under Subsection (1) of this Section, the owner of a dog fails to remove such defecation immediately, the owner shall be in violation of this Bylaw.
(Bylaw No. 4495)
18. No owner or keeper shall permit his dog or dogs to damage public or private property.
(Bylaw No. 4495)
- 19(1) Every owner of a dog shall:
- (a) provide his or her dog with a collar; and,
 - (b) keep the tag issued by the License Inspector under the provisions of this Bylaw securely fixed on the dog's collar at all times.
(Bylaw Nos. 4495 and 4606)
20. Every person requested by the License Inspector to do so shall forthwith deliver to him a statement in writing of the number of dogs owned by him.
(Bylaw No. 4495)

PART IV -- GENERAL

21. Any person teasing a dog, enticing dog, baiting or throwing objects at a dog, confined within its owner's property shall be in violation of this Bylaw.
(Bylaw No. 4495)

22. The operation of any kennel within the City shall be subject to approval from the Medical Health Officer for the City, and the kennel shall comply with the provisions of any City of Moose Jaw Zoning Bylaw relating to the operation of kennels within the City.
(Bylaw No. 4495)

23. The Pound Keeper shall keep a record of all dogs impounded and of the disposition made of same and shall make a monthly return to the License Inspector.
(Bylaw No. 4495)

24. The City Treasurer shall institute a proper accounting system to insure that official receipts are issued in respect of any license fees, pound fees or collected in respect of this Bylaw, and that all records in respect to same are audited at the same time as other City records.
(Bylaw No. 4495)

25. Repealed. *(Bylaw No. 4848)*

26. Repealed. *(Bylaw No. 4848)*

27. Where any dog is suspected of having rabies, such dog shall not be killed but shall be secured and isolated for ten (10) days and the matter immediately reported to the Medical Health Officer of the City of Moose Jaw, whose instructions shall be carried out.
(Bylaw Nos. 4495 and 4848)

28. In cases of emergency for any cause, but more particularly for infectious disease caused by dogs, the Medical Health Officer is hereby authorized to order that no owner or other person shall suffer or permit his or her dog to be on any place beyond or outside the boundary of the place of the dwelling of the owner or other person at any time, whether on a leash or under proper control, until such order is revoked or cancelled, and the Medical Health Officer may order compulsory inoculation of dogs.
(Bylaw No. 4495)

29. Every dog that is found off the premises upon which it is habitually kept, without a tag and not under the control of any person, may be killed by the Chief of Police or his designate. *(Bylaw No. 4495)*

PART V -- PENALTY PROVISIONS

30. Repealed. *(Bylaw No. 4848)*
31. Repealed. *(Bylaw No. 4848)*
- 32(1) Where a person commits or is alleged to have committed an offence for which a penalty is set out in Schedule "B" of this Bylaw, a peace officer or any other person authorized by the License Inspector shall 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 B of Schedule "B" for the offence which the person is alleged to have committed. If no amount is set forth in Column B for that particular offence, the penalty shall be in the amount set forth in Column A of Schedule "B" for that offence.
- (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, neither the person alleged to have committed the offence nor owner of the dog shall 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 or other authorized person shall issue or cause to be issued a Summons.
- (6) The Summons shall be in the form or substantially in the form of Form 2 and shall provide for the voluntary payment of a penalty in the amount set forth in Column A of Schedule "B" for the offence which the person is alleged to have committed. The Summons 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, neither the person alleged to have committed the offence nor owner of the dog shall 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 of 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.

(Bylaw No. 5170)

34. Repealed

(Bylaw No. 5170)

PART VI -- BYLAWS REPEALED AND EFFECTIVE DATE OF THE BYLAW

35. Bylaws Nos. 4123 and 4343 are hereby repealed.

(Bylaw No. 4495)

36. This Bylaw comes into force and effect January 1, 1988.

(Bylaw No. 4495)

READ A FIRST TIME THIS 9TH DAY OF NOVEMBER, A.D. 1987

READ A SECOND TIME THIS 9TH DAY OF NOVEMBER, A.D. 1987

READ AND THIRD TIME THE 16TH DAY OF NOVEMBER, A.D. 1987

“L.H. Lewry”

Mayor

“G. Stratton”

Clerk

SCHEDULE "A"
Bylaw No. 4495, the Dog Bylaw
(As Amended by Bylaw No. 5170)

Schedule of License and Pound Fees

DOGS

LICENSE FEE

- | | | |
|----|----------------------------------|----------|
| 1. | All dogs not spayed or neutered. | \$ 40.00 |
| 2. | All dogs spayed or neutered. | \$ 15.00 |

POUND FEES

- | | | |
|----|------------------------------|----------|
| 1. | All animals | \$ 40.00 |
| 2. | Detainment fee – all animals | \$ 20.00 |

DOG TAG REPLACEMENT FEE

If a dog tag is lost, the cost for a replacement dog tag will be:	\$ 2.00
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NOTE: Pursuant to Section 13 of Bylaw No. 4495, the License Fees and Pound Fees prescribed in this Schedule are in addition to any charges for food or otherwise, that the Pound Keeper may impose.

(Bylaw No. 5475)

SCHEDULE "B"
Bylaw No. 4495, the Dog Bylaw

Offences for which a Notice of Violation May be Issued

<u>Section #</u>	<u>Description of Offence</u>	<u>Column "A"</u>	<u>Column "B"</u>
2.	Owner failing to maintain a current and valid dog license.	\$60.00	\$40.00
10(1)	Owner allowing a dog to run at large.	\$60.00	\$40.00
10(2)	Owner or other person utilizing a leash to walk a dog greater than two (2) meters in length.	\$60.00	\$40.00
19.	Owner permitting his/her dog to damage public or private property.	\$60.00	\$40.00

FORM "1"

Bylaw No. 4495, the Dog Bylaw

Notice of Violation (Front)

NOTICE OF VIOLATION

Ticket No. _____

Issued by: _____

Date of Offence: _____

Name of Accused: _____

Address of Accused: _____

Location of Violation: _____

Description of Violation: _____

Description of Dog: _____

Voluntary Payment Amount: _____

Deadline for Voluntary Payment: _____

You are charged with a violation of the City of Moose Jaw's Dog Bylaw

A voluntary payment may be paid at City Hall in accordance with the instructions on the back.

If payment is received on or before the deadline for voluntary payment (noted above), you will not be prosecuted for this violation. Please also note that the voluntary payment is less than the full penalty prescribed by the Bylaw for this offence.

Avoid prosecution by paying promptly. Unless payment is received by the City of Moose Jaw 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. In addition, the penalty will increase to the maximum specified in the Bylaw for this offence.

Payment instructions are on the back.

FORM "1"

Bylaw No. 4495, the Dog Bylaw

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 N., 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 N. 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 Dog 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 Dog Bylaw.
7. For enquiries, please contact _____.

FORM "2"

Bylaw No. 4495, the Dog Bylaw

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 BEEN CHARGED 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 Dog Bylaw, being Bylaw No. 4495 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

FORM "2"

Bylaw No. 4495, the Dog Bylaw

Modified Criminal Code Summons (Back)

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

PAYMENT 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
P.O. Box 1175
Moose Jaw, Saskatchewan
S6H 4P9.
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.