

TOWN OF WAWOTA

BYLAW NO. 5/2014

A BYLAW OF THE TOWN OF WAWOTA TO PROVIDE FOR THE SAFETY AND PROTECTION OF RESIDENTS AND GUESTS OF WAWOTA FROM AGGRESSIVE ANIMALS

Whereas the Council of the Town of Wawota intends to help foster Wawota as being a family oriented, safe town for children and other vulnerable people to live in and visit;

Whereas the Council of the Town of Wawota has determined that there are certain aggressive, viscous animals within Wawota Town limits from time to time;

Whereas the Council of the Town of Wawota has determined that certain aggressive, viscous animals have attacked residents of the Town of Wawota or their pets recently and have caused harm to those individuals or pets;

Whereas the Council of the Town of Wawota recognizes it has a duty to provide for the safety and protection of residents and guests of Wawota from aggressive animals;

Whereas the Council of Wawota has determined that the right of residents and guests of Wawota and their pets to be safe and protected from aggressive animals is of greater importance than any one individual's right to have an aggressive animal that is uncontrolled, as a pet;

Therefore the Council of the Town of Wawota, in the Province of Saskatchewan, enacts as follows:

SHORT TITLE

1. This Bylaw may be cited as "The Aggressive Animal Control Bylaw."

Purpose

2. The purpose of this Bylaw is:
 - (a) To provide for the safety and protection of residents and guests of Wawota and their pets from aggressive animals, namely viscous and aggressive dogs;
 - (b) To control and regulate all aggressive animals;
 - (c) To create a system of rules and penalties for residents and guests of residents of Wawota who harbour aggressive animals and whose aggressive animals attack or are aggressive towards residents or visitors or their pets.

Part I Definitions

- (a) "Aggressive animal" shall mean, within Town limits:
 - (i) Any animal, including any dog that without provocation, in a vicious or menacing manner, chases or approaches a person or other domestic animal in an apparent attitude of attack;

- (ii) Any animal, including any dog having an inclination, tendency or disposition to attack without provocation, to cause injury or to otherwise threaten the safety of persons or other domestic animals;
- (iii) Any dog which has without provocation, bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal;
- (iv) Any dog owned primarily or in part for the purpose of attack, dog fighting or is trained for attack or dog fighting;
- (v) Any dog that barks excessively and without provocation;
- (vi) Any Rottweiler, Pit Bull, Doberman Pinscher, or any dog of these mixed breeds;

But shall not include:

- (i) Any breed of dog acting in the performance of police work;
 - (ii) Any breed of dog working as a guard dog on commercial property, securely enclosed on the property by a fence or other barrier sufficient to prevent the escape of the dog and the entry of children onto the property, or where the dog is defending that property against a person who was committing an offence;
- (b) "owner" includes any person, corporation, or entity whatsoever that enters or is within Town limits that harbours or assists in the harbouring of an aggressive animal for any purpose whatsoever;
- (c) "provocation" shall mean an act done intentionally for the purpose of provoking a an animal including any dog to be aggressive.

Part II Aggressive Animals

3. No person, corporation or entity shall keep, possess, harbour or assist with the harbouring of an aggressive animal within the Town of Wawota;
- (i) Unless that aggressive animal is a dog or mixed breed of dog contemplated in Part I Section (a)(vi) of this bylaw and which animal resided in Wawota prior to the taking effect of this bylaw.

Part III Enforcement

4. Any resident of the Town of Wawota or any guest thereof may during regular Town Office hours submit a complaint in writing to the Town Administrator alleging an aggressive animal is within Town limits; and the circumstances relating to and the reasons for his or her belief shall be specified in detail.
5. After receiving and reviewing a complaint with respect to an alleged aggressive animal in Town limits, any four members of the Council of the Town of Wawota may agree to issue a written summons to the alleged owner, by signing such summons, thereby summoning the owner to appear before any four members of the Council of the Town of Wawota, within not more than 7 days after the complaint was received, and such summons shall be delivered to the alleged owner of the alleged aggressive animal by the

Town Administrator or her agent, and which summons shall have a copy of the complaint attached to it.

6. Upon the convening of a hearing before any four members of the Council of the Town of Wawota, the members of the Council of the Town of Wawota shall hear from the complainant, if present, and the alleged owner of the alleged aggressive animal, if present, and shall make a decision as to whether or not the alleged animal is an aggressive animal. The hearing body of the Council of the Town of Wawota may choose to proceed in the absence of the complainant, or the owner.
7. The members of the Council of the Town of Wawota at such a hearing or within 24 hours of its conclusion shall issue a written notice to the owner of an aggressive animal giving notice that the animal in question is not deemed by the Council of the Town of Wawota hearing body to be an aggressive animal under this bylaw, or, giving notice that the owner has been found guilty of an infraction of this bylaw for having harboured or assisted in the harbouring of an aggressive animal and is:
 - (a) liable to a maximum penalty of up to \$2,000 per occurrence, or;
 - (b) liable to pay the out of pocket costs of the individual(s) harmed in the complaint(s) that led to the hearing before the Council of the Town of Wawota; or
 - (c) liable to have the dog destroyed within 72 hours; or
 - (d) liable to remove the aggressive animal from Town limits within 48 hours; or
 - (e) liable to erect a fence around his or her property sufficient to completely contain the aggressive animal upon his or her property; or
 - (f) liable to erect a dog run upon his or her property sufficient to completely contain the aggressive animal upon his or her property; or
 - (g) liable to securely muzzle his or her aggressive animal at all times when his or her animal is outside of the owner's residence and or the property of the owner.
8. Should any person who harbours or assists in the harbouring of an aggressive animal not remove an aggressive animal or comply with an order with respect to that animal made by the four members of the Council of the Town of Wawota within the timeline specified in its order, that person is liable to a maximum additional penalty of up to \$500 per day to be applied to the original penalty at the discretion of the four member hearing body.
9. An owner may voluntarily pay the penalty prescribed and take reasonable steps as described in this bylaw to ensure no further incidences occur upon being served with a summons under this bylaw, within the time specified in the summons before a hearing, and upon payment and having taken such reasonable steps shall not be liable to prosecution under this bylaw, at the discretion of the four member hearing body, unless further incidences relating to the aggressive animal then occur.

10. The Council of the Town of Wawota reserves the right to relieve itself of jurisdiction concerning any possible aggressive animal within Town limits to a court of competent jurisdiction under the *Municipalities Act*.
11. The members of the Council of the Town of Wawota, if acting in good faith as according to the preamble and purposes of this bylaw, shall not be held liable to any person for any reason whatsoever, in respect of the carrying out of their duties under this bylaw.
12. This bylaw is meant to coexist with and be in addition to Bylaw No. 2/2013, being "The Animal Control Bylaw", but if any inconsistencies arise out of the operation of this bylaw and "The Animal Control Bylaw", this bylaw shall prevail to the extent that any inconsistencies exist.

**Part IV
Appeal**


13. An owner of an aggressive animal who is given notice of any penalty or order under an arising from the operation of this bylaw may apply to a court of competent jurisdiction to appeal the decision of the hearing body of the Council of the Town of Wawota or the Council of the Town of Wawota within 72 hours of having received the notice or order.

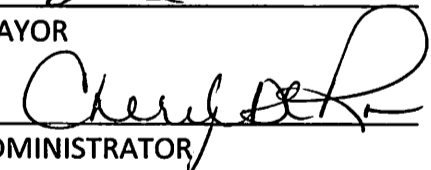
**Part V
Coming Into Force**

14. This bylaw shall come into force and take effect on the date of final passing thereof.

(SEAL)

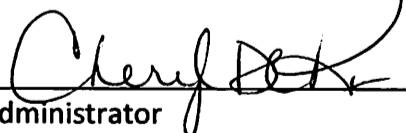




MAYOR


ADMINISTRATOR

Certified a true copy of Bylaw No. 5/2014
Adopted by resolution of the Council on the
15th day of October, 2014.



Administrator