

**A BYLAW OF THE VILLAGE OF ELBOW REGULATING AND  
CONTROLLING PERSONS OWNING OR HARBOURING DOGS**

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

1. This bylaw may be referred to as “The Dog Bylaw”.

**DEFINITIONS**

2. In this bylaw unless the context otherwise requires:
  - a) “Animal control officer” means a bylaw enforcement officer, peace officer or a person appointed as a dog catcher for the Village of Elbow;
  - b) “Council” means the Council of the Village of Elbow;
  - c) “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;
  - d) “Person” shall include an individual, partnership, association or corporation;
  - e) “Pound” means such premises and facilities as may be designated by the Village from time to time, as the Village Pound;
  - f) “Poundkeeper” means a person, persons, or association designated by the Council for the purpose of retaining impounded dogs pursuant to this Bylaw;
  - g) “Running at Large” means off the premises of the owner when not on a leash held by a person able to control the dog;
  - h) “Village” means the municipal corporation of the Village of Elbow or the area contained within the boundary thereof;

**DOG LICENSING**

3.
  - 1) Every dog shall be vaccinated for rabies at least every thirty-six (36) months and shall produce to the animal control officer a certificate of a veterinarian that such dog has been vaccinated for rabies within the previous thirty-six (36) months when requested.
  - 2) The owner shall ensure that a collar is worn by the dog when the animal is off the premises of the owner.

**RESPONSIBILITY OF DOG OWNERS**

4.
  - 1) The owner of a dog shall ensure that such dog is not running at large.
  - 2) In this section, an animal shall be “at large” if it is off the premises of its owner, unless the animal is on a leash not exceeding five (5) metres or sixteen (16) feet in length.

## NUISANCE

5.     1)     The owner of a dog shall ensure that such dog shall not:
  - a)     bite a person whether on the property of the owner or not;
  - b)     bite another dog, which is under the control of the owner or in an enclosure on private property;
  - c)     do any act to injure a person whether on the property of the owner or not;
  - d)     chase or otherwise threaten a person whether on the property of the owner or not, unless the person chased or threatened is a trespasser on the property of the owner;
  - e)     bite, bark at, or chase, animals, bicycles, automobiles, or other vehicles;
  - f)     become a nuisance by barking or howling or otherwise disturbing any person;
- 2)     Every female dog in heat shall be housed or confined to a kennel.

## ACCUMULATION OF DEFECATION

6.     1)     If a dog defecates on any public or private property other than the property of its owner, the owner shall remove such defecation immediately.
- 2)     Any person owning a dog and occupying property in the Village of Elbow must not allow dog defecation to accumulate for more than one week on the property so as to create a health hazard and shall dispose of the defecation in a sanitary manner.
- 3)     An animal control officer may serve an owner or occupant of private property with a notice to remove all dog defecation from the property within seventy-two (72) hours of service of the notice.
- 4)     Failure to cause the removal of defecation as required by subsection (1) and (2) of this section shall be a breach of this bylaw.

## WITNESS

7.     1)     Any person of the full age of eighteen (18) years witnessing a dog running at large within the corporate limits of the Village can leave a written statement describing the dog, the name of the owner if known, and the time and place of the running at large. The witness(es) shall then sign his/her name to the statement and deliver it to the animal control officer.
- 2)     Any person of the full age of eighteen (18) years witnessing a dog creating excessive noise to the annoyance or discomfort of any person within the corporate limits of the Village can leave a written statement describing the dog, the

name of the owner if known, and the time and place of the bylaw violation. The witness(es) shall then sign his/her name to the statement and deliver it to the animal control officer.

## PENALTIES

### Voluntary Payment Tickets

8. 1) Where an animal control officer believes that a person has contravened any provision of this bylaw, he may serve upon such person a Bylaw Violation Notice (Form A) as provided by this section either personally or by mailing or leaving same at his last known address and such service shall be adequate for the purpose of this bylaw.
- 2) A notice shall be in such form as determined by the Council and shall state the section of the Bylaw which was contravened, and the amount which is provided in Schedule "A" that will be accepted by the Village in lieu of prosecution.
- 3) Upon production of a notice issued pursuant to this section within ten (10) days from the issue thereof together with the payment to the Village of Elbow, the fee as provided in Schedule "A", the person to whom the notice was issued shall not be liable for prosecution for the contravention in respect of which the notice was issued.
- 4) Where any person contravenes the same provision of this Bylaw two (2) or more times within one (1) twelve (12) month period, the specified penalty payable in respect of the second and subsequent contravention is double the amount shown in Schedule "A" of this Bylaw in respect of that provision.
- 5) Notwithstanding the provisions of this section, a person to whom a notice has been issued pursuant to this section may exercise their right to defend any charge of committing a contravention of any of the provisions of this bylaw.

### Summary Conviction

9. 1) Any person who contravenes any provision of this bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than two hundred dollars (\$200).
- 2) The levying and payment of any fine shall not relieve a person from the necessity of paying any fees, charges, or costs for which they are liable under the provisions of this bylaw.
- 3) The court, in addition to the penalties provided in this section, may consider the offence sufficiently serious and direct or order the owner of the dog to stop the animal from doing mischief or causing the disturbance or nuisance complained of, to have the animal removed from the Village or have the animal destroyed.
10. If any section, subsection, sentence, clause, or phrase or other portion of this bylaw is for any reason held invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the court shall not affect the validity of the remaining portions of the bylaw.

REPEAL OF FORMER BYLAW

11. Bylaw No. 02-89 is hereby repealed.

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Mayor

( S E A L )

\_\_\_\_\_  
Administrator

Certified a true copy of Bylaw No. 09-10  
adopted by resolution of Council  
on the 7<sup>th</sup> day of December, 2009.

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Administrator

Schedule "A"  
Bylaw No. 09- 10, the Dog Bylaw

AMOUNTS WHICH WILL BE ACCEPTED BY VILLAGE IN LIEU OF  
PROSECUTION

Offence Under		Offence	Amount
Section	4(1)	Dog at large	\$75.00
	5(1)(a)	Bite a person(s) plus proof of vaccination	\$200.00
	5(1)(f)	Barking, howling, or disturbing 1 <sup>st</sup> offence – letter to dog owner 2 <sup>nd</sup> offence - \$100	
	6(1)	Defecation – property other than owner	\$40.00
	6(2)	Defecation – owner’s property	\$40.00