

BYLAW NO. 9711

The Dangerous Animals Amendment Bylaw, 2020

The Council of the City of Saskatoon enacts:

Short Title

1. This Bylaw may be cited as *The Dangerous Animals Amendment Bylaw, 2020*.

Purpose

2. The purpose of this Bylaw is to amend *The Dangerous Animals Bylaw, 2003* to:
 - (a) promote public safety, improve upon existing enforcement mechanisms and clarify and update certain aspects for the general public and the courts in areas where there may be ambiguity; and
 - (b) make minor housekeeping amendments.

Bylaw No. 8176 Amended

3. *The Dangerous Animals Bylaw, 2003* is amended in the manner set forth in this Bylaw.

Section 2 Amended

4. Section 2 is repealed and the following substituted:
 - “2. The purpose of this Bylaw is to:
 - (a) promote the health, safety, protection and welfare of people and the protection of property;
 - (b) ensure the humane treatment of domestic animals;
 - (c) regulate and prohibit the keeping of dangerous animals within the City; and
 - (d) prohibit dog fighting.”.

Section 3 Amended

5. Section 3 is repealed and the following substituted:

“3. In this Bylaw:

- (a) **“Animal Control Agency”** means the Animal Control Agency designated pursuant to *The Animal Control Bylaw, 1999*;
- (b) **“City”** means the City of Saskatoon;
- (c) **“City Clerk”** means the person appointed as City Clerk of the City pursuant to section 85 of *The Cities Act*;
- (d) **“judge”** means a judge or a justice of the peace of the Provincial Court of Saskatchewan or, in the case of an appeal, a judge of the Court of Queen’s Bench for Saskatchewan;
- (e) **“owner”** includes:
 - (i) a person who owns or has possession of, or control over, an animal to which this Bylaw applies; and
 - (ii) the person responsible for the custody of a minor where the minor is the owner of an animal;but does not include:
 - (iii) a veterinarian registered pursuant to *The Veterinarians Act, 1987* who has possession of or control over an animal for the purposes of preventing, diagnosing or treating a disease of or injury to the animal; or
 - (iv) an animal shelter or pound operated by the City or the Saskatoon Society for the Prevention of Cruelty to Animals Inc.;
- (f) **“Poundkeeper”** means the Poundkeeper designated pursuant to *The Animal Control Bylaw, 1999*;
- (g) **“provocation”** means an act done intentionally for the purpose of provoking an animal to which this Bylaw applies.”.

Section 5 Amended

6. The following subsections are added after subsection 5(2):
- “(3) In cases where an owner owns two or more animals and it is determined that one of the animals is dangerous within the meaning of subsection (1) but it is unknown which one of the animals is dangerous:
- (a) all of the animals that are suspected to be dangerous shall be deemed to be dangerous; and
 - (b) an order or interim order pursuant to Section 8 shall be made against all of the animals that are deemed to be dangerous, and each order shall include all of the same terms and conditions.
- (4) In determining whether an animal is “suspected to be dangerous” within the meaning of subsection (3), a judge may consider all of the evidence, including the appearance of the animals and whether a person who is unfamiliar with the animals might reasonably mistake one of them for the other.”.

Section 8 Amended

7. (1) Clause 8(4)(d) is repealed and the following substituted:
- “(d) where the animal is moved to a different city or municipality, the owner shall notify:
- (i) the clerk of that city or municipality; and
 - (ii) the City Clerk;”.

(2) The following clause is added after clause 8(4)(d):

“(d.1) where the animal is moved to a different address within the City, the owner shall provide the City Clerk with the owner’s new address;”.

(3) The following clauses are added after clause 8(4)(e):

“(e.1) the owner shall, before a person handles the animal, notify the person that the animal has been declared dangerous;

(e.2) the owner shall:

- (i) disclose the terms of the order to any person who has possession of or control over the animal;
 - (ii) instruct any person who has possession of or control over the animal to comply with the terms of the order; and
 - (iii) ensure that any person who has possession of or control over the animal complies with the terms of the order.”.
- (4) Clause 8(5)(b) is repealed.
- (5) The following subsection is added after subsection 8(5):
- “(5.1) After a complaint has been made pursuant to subsection (1) and a proceeding has been initiated, a judge may, pending a determination of the matter or pending an appeal, make an interim order including, with any necessary modification, any of the terms set out in subsections (4) and (5).”.
- (6) Subsection 8(7) is repealed.
- (7) Subsection 8(8) is repealed.
- (8) Subsection 8(9) is amended by adding the words “, other than an interim order pursuant to subsection (5.1),” after “Section”.
- (9) The following subsection is added after subsection 8(9):
- “(10) To the extent that a term added to an order pursuant to subsection (5) conflicts with or limits the effect of a term mentioned in subsection (4), the term mentioned in subsection (4) prevails.”.

Section 9 Amended

8. (1) Subsection 9(2) is amended by adding “or 8(5.1)” after “8(5)”.
- (2) Subsection 9(3) is amended by adding “, (5.1)” after “(5)”.
- (3) The following subsections are added after subsection 9(9):
- “(10) Notwithstanding any other provision of this Bylaw, any person who was an owner of an animal at any time within the 30 days preceding the date of an offence mentioned in subsection (4) involving that animal may be charged with and convicted of that offence where the person:

- (a) knew or reasonably ought to have known that the animal has a past history of dangerous behaviour; and
 - (b) failed to disclose that knowledge to the person to whom the animal was given or sold.
- (11) Any person who sells or gives away an animal without disclosing any knowledge of the animal's past history of dangerous behaviour is guilty of an offence.
- (12) For the purposes of subsections (10) and (11), "**dangerous behaviour**" means any of the behaviours mentioned in Section 5 or any past involvement with dog fighting."

Section 10 Amended

9. Section 10 is amended by striking out "9" and substituting "9.1".

Section 11 Amended

10. Subsection 11(3) is repealed and the following substituted:

- "(3) Regardless of the outcome of the appeal, the owner shall be responsible for payment of the following costs pending the hearing:
- (a) the pound fee and care and sustenance fee of the animal, as set out in Appendix "C"; and
 - (b) any other costs of impoundment of the animal, including any veterinary costs."

Section 12 Amended

11. Section 12 is repealed and the following substituted:

- "12. Where the judge on appeal overturns the order for destruction of the animal, the animal shall be released to the owner after the owner has paid:
- (a) the pound fee and care and sustenance fee of the animal, as set out in Appendix "C"; and

Schedule "A" to Bylaw No. 9711

Appendix "C"

Impoundment Fees for Cats and Dogs

Pound fee	\$50
Care and sustenance fee	\$15 (plus Goods and Services Tax) per day or a portion thereof commencing at 12:00 a.m. on the day immediately following the day of impoundment