

## **Island Ordinance containing rules regarding the registration and keeping of dogs of the public entity of Saba**

*Valid from 28-06-2013 to date*

### **Title**

Island Ordinance containing rules regarding the registration and keeping of dogs of the public entity of Saba

The Island Council of the Public Entity of Saba;

having regard to Articles 136 and 149 of the Public Entities Bonaire, Sint Eustatius and Saba Act;

Decision:

To adopt the following:

Dog Ordinance of the Public Entity of Saba;

Comments on the scheme

This regulation cancels, to dogs, the application of provisions from the Island Ordinance Identification and Registration of Livestock and Pets (A.B. 2004, no. 1)

### **Article 1 Definitions**

For the purposes of this Island Ordinance, the following definitions apply:

*Organization*: the designated department, department or department head, official of the designated service or the person who acts or acts on behalf of him for the implementation and enforcement of this Island Ordinance; in this case the *Saba Foundation for the Prevention of Cruelty to Animals*.

*Dangerous dog*: dogs that can be considered to belong to a typically aggressive species or dogs that show or have shown aggressive behaviour, or dogs that have been fully or partially trained for surveillance, detection or defence work, with the exception of dogs that are under the supervision of an investigating officer or any other government body charged with the investigation of criminal offences;

*Dangerous dog type*: dogs with similar characteristic physical characteristics of dangerous dogs and have been bred for this purpose or are characterized by aggressive or dangerous behavior;

*Keeper of a dog:* the person who has a dog in his possession, actual power or under supervision;

*Mark:* an ISO chip or other mark issued by the designated organization charged with the implementation and enforcement of this Island Ordinance;

*Investigating officer:* the police officers as well as those referred to in Articles 184 and 185 of the BES Code of Criminal Procedure;

*Registration:* the documented recording of data concerning the identification of a dog and its owner;

*Register:* see Registration;

*Supervision of dogs:* the care of a dog by a person in such a way that no nuisance, damage or injury can occur due to the actions of the dog;

*Type of dog:* dogs with similar physical characteristics.

*For them:* have

## **Article 2 Registration and marking**

- **1.**It is mandatory to register dogs with the organization: SFPCA
- **2.**At the time of registration, dogs shall be provided with a mark serving to identify the owner and the possession of the dog.
- **3.**The registration shall be valid for a maximum of five years. If the dog's ownership or possession changes, it must be re-registered.
- **4.**A fee is payable for registration.
- **5.**The fee referred to in the previous paragraph is set by this Island Ordinance at a rate of ten US dollars. After the entry into force of this Island Ordinance, the Executive Council is authorized to adjust the rate of registration.

## **Article 3 Reporting of loss or illness**

- **1.** It is mandatory for the owner of a dog to immediately report the loss of a dog to the SFPCA as well as to an investigating officer.
- **2.** It is mandatory for the owner of a dog to immediately report illness or symptoms of a dog to the SFPCA or veterinarian.

## **Article 4 Dogs without a mark**

- **1.Dogs** that do not bear a valid mark shall be caught by or on behalf of the SFPCA or by an investigating officer if they are found on the public road, on an area accessible to all or on an area made accessible for this purpose by the entitled person.
- **2.When** catching a dog, the SFPCA or investigating officer may stun the dog in question with a means intended for that purpose.

### **Article 5 Dogs in custody**

Captured or detained dogs that, in the opinion of the SFPCA's veterinarian or a physician, may pose a danger to human or animal health in the event of illness or dangerous behavior, or that suffer as a result of injuries or illness, shall be killed as soon as practicable.

### **Article 6 Supervision of dogs**

- **1.It** is forbidden for owners of dogs to leave them unsupervised on the public road or on an area accessible to everyone or on an area made accessible for this purpose by the entitled person.
- **2.Dogs** that are found unsupervised on the public road, on a site accessible to everyone or on an area made accessible for this purpose by the entitled person shall be caught by or on behalf of the SFPCA or by an investigating officer.
- **3.Captured** dogs shall be kept in custody for a maximum of fourteen days in a place designated for that purpose by the Executive Council, except in the cases referred to in Article 4. The owners of the dogs kept in custody are liable for the costs of maintenance.
- **4.Upon** the entry into force of this Island Ordinance, the costs of maintenance shall be set at a fixed rate of twenty US dollars per day or part thereof. As well as a variable rate related to specific care for a dog as well as the catch. After the entry into force of this Island Ordinance, the costs of maintenance will be determined by or on behalf of the Executive Council.
- **5.Dogs** kept in custody will be returned to the registered keeper after he has paid the cost of maintenance. In case dogs kept in custody are not marked, the dogs will be returned to the claimed keeper upon presentation of the dog's proof of registration.
- **6.After** the expiry of the period referred to in the third paragraph, the dogs kept in custody may either be killed or handed over to a person other than the keeper.

### **Article 7 Nuisance**

- **1.** It is forbidden for dog owners to cause nuisance or nuisance to the environment in the form of noise, stench or pollution through the actions of the dogs.
- **2.** If the nuisance or nuisance referred to in the first paragraph is caused on the public road or on areas accessible to all, the Island Governor may designate roads and areas on which it is forbidden to go with dogs.

### **Article 8 Killing dogs**

A dog may be killed immediately by the SFPCA, an investigating officer or a veterinarian if, in the opinion of the SFPCA or an investigating officer, the capture or retention of that dog is not possible or too difficult because of any danger or risk of injury to persons or animals or danger or risk to public health or the health of other animals kept in custody.

### **Article 9 Rabies**

Dogs that show signs of rabies (rabies) infection are immediately killed by the SFPCA, a tracking officer or a veterinarian.

### **Article 10 Land with other animals**

- **1.Dogs** that are found unsupervised on sites that are not accessible to everyone and on which animals are kept, can be caught or killed by or on behalf of the owner of the property or the animals, if the animals have been injured or if it is plausible that the animals will be harmed by the actions of the dogs.
- **2.The** SFPCA or an investigating officer shall, if possible, assist the person entitled to the site or animals as referred to in the first paragraph, in catching or killing the dogs.

### **Article 11 Prohibition of dangerous dogs**

- **1.** It is forbidden to breed or possess dangerous dogs or to import them into the Public Entity of Saba.
- **2.** The Island Governor is authorized to designate dogs or dog types as dangerous dogs.
- **3.Pursuant** to the first paragraph, only dogs or dogs of types or breeds are designated of which it is sufficiently plausible that they may pose an exceptional danger to the safety of humans or animals.
- **4.Dogs**, not falling under the category designated by the Island Governor, are also considered dangerous dogs if they have already attacked persons and/or other

animal species or if dangerous and aggressive behavior has already been shown by the dog.

#### **Article 12 Exemption for dangerous dogs**

- **1.** The Island Governor is authorized to grant exemption for the possession of dangerous dogs as referred to in Article 11, paragraph 1, if there is a justified ground for this and it is plausible that the owner of the dog will comply with the provisions of this Island Ordinance.
- **2.**The exemption referred to in the first paragraph shall be issued in writing by the Island Governor.
- **3.**The keeper is obliged to carry proof of the exemption with him if he is or is with the dog outside his property.

#### **Article 13 Application for exemption**

- **1.Applications** for an exemption may be submitted by the owner of the dog within six weeks of the entry into force of an appointment by the Island Governor as referred to in Article 11, paragraph 1 of this Regulation. The form to be used for the application is determined by the Island Governor.
- **2.**The Island Governor shall take a decision within a period of two weeks after the submission of the application.
- **3.**For the purpose of deciding on the application, advice is sought from the SFPCA, the Police Corps and an organization that stands up for the welfare of animals.
- **4.**After the decision of the Island Governor referred to in the second paragraph, the holder receives a provisional exemption in order to be able to meet the other conditions for exemption.
- **5.** A provisional exemption is valid for a period of four weeks, within which the other conditions set out in this Island Ordinance must be met, failing which the dog can be taken into custody or killed.
- **6.**The Island Governor may extend the time limits referred to in this article due to special circumstances.

#### **Article 14 Exemption**

- **1.**The exemption shall be granted if:
  - **a.**

the dog is registered;

- **b.**

the owner of the dog can submit a statement issued and dated by the SFPCA showing that the dog has been rendered permanently infertile; and

- **c.**

When granting the exemption, there are no doubts about the dog or the owner, insofar as they may pose a risk or danger to persons or animals in the opinion of the Island Governor.

- **2.**The exemption shall in any case include a description of the dog with specification of breed, sex, colour, hair, height, age, call sign and other details. The exemption shall also include the identification number of the mark.
- **3.** The exemption is valid during the registration of the dog.

#### **Article 15 Dangerous dogs without exemption**

Dangerous dogs for which no exemption has been granted or applied for pursuant to this Island Ordinance can be killed at any time by the SFPCA or an investigating officer.

#### **Article 16 Immediate killing of dangerous dogs**

In the event of circumstances that are immediately or imminently dangerous to the safety of any person, anyone is permitted to kill a dangerous dog immediately.

#### **Article 17 Obligations of the holder**

- **1.**Owners of a dangerous dog are obliged to ensure that the dog, if it is or is outside the premises of the owner:

- **a.**

is on a short leash; This means putting a dog on a leash with a proper leash with a length, measured from hand to collar, that is no longer than 1.50 meters.

- **b.**

is equipped with a muzzle, intended and suitable for preventing biting by the dog.

- **2.** The owner of the dog takes care of:

- **a.**

a proper fence of the yard;

- **b.**

a clearly visible warning sign, warning of the presence of a dangerous dog;

- **c.**

that his yard is closed at all times and all entrances to the yard must be equipped with a proper gate with a lockable lock.

#### **Article 18 Offences and criminal provisions**

- **1.** It is forbidden to act in violation of the instructions and obligations in this Island Ordinance.
- **2.** The offences established by this Island Ordinance are considered as violations and punishable by imprisonment for a maximum of two months and a fine of the second category.
- **3.** Everything that has served or has been intended to commit a violation of this Island Ordinance, as well as everything that has been the subject of the criminal offense, can be confiscated. The destruction of objects or killing of dogs may be ordered.

#### **Article 19 Final provisions**

- **1.** This Island Ordinance will enter into force immediately after promulgation.
- **2.** This Island Ordinance is referred to as "Dog Ordinance Saba".
- **3.** With the entry into force of this Island Ordinance, the application of provisions of the Island Ordinance on the Identification and Registration of Livestock and Pets (A.B. 2004. no. 1) will cease to apply to dogs.

#### **Signature**

*Adopted at the meeting of*

*The Deputy Island Registrar The Chairman*