



# Island Council

Ordinance containing rules concerning the registration of dogs  
and owning of dogs of the Public Entity Saba.

## THE ISLAND COUNCIL OF THE PUBLIC ENTITY OF SABA,

In regards to:

Articles 136 and 149 of the Law Public Entities Bonaire, int Eustatius and Saba;

### HAS DECREED:

To adopt the Dog Ordinance Saba:

### DEFINITIONS

#### Article 1

For the purposes of this Island Ordinance, the following shall be understood by:

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

*Dangerous dog:* dog that can be assumed to belong to a typically aggressive breed or dogs that show or have shown aggressive behavior, or dogs that have been trained for security, investigation, or defense work in whole or in part, with the exception of dogs under the supervision of an investigating officer or any other government body charged with investigation of offenses;

*Dangerous type of dog:* dogs with similar, typical, physical characteristics of dangerous dogs and bred for this purpose or characterized by aggressive or dangerous behavior;

*Dog owner:* the person who owns a dog or has actual control of or supervision over it;

*Tag:* an ISO chip or other tag issued by the SFPCA, the service designated for this purpose, charged with the implementation and enforcement of this Island Ordinance;

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

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

*Register:* see Registration:

*Supervision over dogs:* a person being in charge of a dog in a manner that the dog cannot cause nuisance, damage or injury;

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

*Having available:* to dispose of.

## REGISTRATION AND MARK

### Article 2

1. Registering dogs with the SFPCA is mandatory.
2. When they are registered, the dogs will get a tag serving to identify the owner and the ownership of the dog.
3. The registration shall be valid for a maximum of five years. If the owner or ownership of the dog changes, the dog has to be registered again.
4. A fee shall be due for the registration.
5. In this Island Ordinance, the fee referred to in the previous, paragraph shall be fixed at a price or (\$ 10.00) Ten American dollars. After this Island Ordinance takes effect, the Executive Council is authorized to adjust the price of the registration.

## REPORTING A DOG MISSING OR SICK

### Article 3

1. The owner of a dog is obligated to report a dog missing promptly to the SFPCA as well as to an investigating officer.
2. The owner or a dog is obligated to report sickness or symptoms of a dog promptly to the SFPCA or veterinarian.

## DOGS WITHOUT A MARK

### Article 4

1. Dogs not carrying a valid tag shall be caught by or on behalf of the SFPCA or by an investigating officer if they are found on the public road, on sites accessible to the public, or on a site made accessible for this purpose by the owner.
2. When catching a dog, the SFPCA or investigating officer is allowed to sedate the dog in question with a substance meant for this purpose.

## DOGS IN CUSTODY

### Article 5

Dogs caught or in custody that may present a risk to the health of people or animals in case of diseases or dangerous behavior, in the opinion of the SFPCA, a veterinarian, or a physician, or dogs that suffer from injuries or disease shall be put down as soon as possible.

## SUPERVISION OVER DOGS

### Article 6

1. Dog owner are prohibited from letting the dog on the public road or sites accessible to the public or a site made accessible for this purpose by the owner without supervision.
2. Dogs found on the public road, on sites accessible to the public, or on a site made accessible for this purpose by the owner without supervision shall be caught by or on behalf of the SFPCA or by an investigating officer.
3. Dogs caught, except in cases referred to in Article 4, shall be kept in custody for a maximum of fourteen days in a place designated for this purpose by the Executive Council. The owners of the dogs kept in custody shall be liable for the cost of maintenance.
4. At the time this Island Ordinance takes effect, the cost of maintenance shall be fixed at a permanent price of twenty American dollar per day or part hereof, and a variable price related to the specific care for a dog and catching it. After this Island Ordinance has taken effect, the cost of maintenance shall be fixed by or on behalf of the Executive Council.
5. Dogs kept in custody shall be returned to the registered owner after the latter has paid the cost of maintenance. In case of dogs not carrying a tag that have been kept in custody, the dogs will be returned to the alleged owner after submission of the proof of registration of the dog.
6. After the term referred to in the third paragraph has expired, the dogs kept in custody can either be put down or surrendered to another person than the owner.

## NUISANCE

### Article 7

1. Dog owners are prohibited from letting the dogs cause nuisance or hindrance to their surroundings in the form of noise, obnoxious smells, or dirt.
2. If the nuisance or hindrance referred to in the first paragraph is caused on the public road or on sites accessible to the public, the Island Governor can designate roads and sites where one is not allowed to take dogs.

## PUTTING DOGS DOWN

### Article 8

A dog can be put down promptly by the SFPCA, an investigating officer or a veterinarian if catching the dog or keeping it in custody is not possible or too inconvenient, in the opinion of the SFPCA or an investigating officer, on account of 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.

## RABIES

### Article 9

Dogs that show signs pointing at infection with rabies shall promptly be put down by the SFPCA, an investigating officer, or a veterinarian.

## SITES WITH OTHER ANIMALS

### Article 10

1. Dogs found without supervision on sites not accessible to the public where animals are kept can be caught or put down by or on behalf of the owner of the site or the animals, if the animals have been injured or if it is plausible that the animals will be injured by the dogs.
2. The SFPCA or an investigating officer shall assist the owner of the site or animals as referred to in the first paragraph, if possible, in catching or putting down the dogs.

## BAN ON DANGEROUS DOGS

### Article 11

1. It is prohibited to breed or have available or import dangerous dogs in the Public Entity Saba.
2. The Island Governor is authorized to designate dogs or types of dogs as dangerous dogs.
3. Pursuant to the first paragraph, only dogs or types of dogs or breeds of dogs of which it is adequately plausible that they may constitute an exceptional risk to the safety of people or animals shall be designated.
4. Dogs that do not fall under the category designated by the Island Governor shall also be considered to be dangerous dogs if they have attacked persons and/or other types of animals already, or if the dogs have already shown dangerous and aggressive behavior.

## EXEMPTION DANGEROUS DOGS

### Article 12

1. The Island Governor is authorized to grant exemption for having dangerous dogs available as referred to in Article 11, first paragraph, if there is a justified reason for it and it is plausible that the owner of the dog will observe the provisions of this Island Ordinance.
2. The exemption as referred to in the first paragraph shall be issued by the Island Governor in writing.
3. The owner is obligated to carry the certificate or the exemption if he leaves his property with the dog.

## APPLICATION FOR EXEMPTION

### Article 13

1. The owner of the dog can file an exemption application within six weeks after a designation of the Island Governor as referred to in Article 11, first paragraph, of this Ordinance takes effect. The form to be used for the application shall be established by the Island Governor.

2. The Island Governor shall decide within a period of two weeks after the application has been filed.
3. For the decision on the application, the Island Governor shall seek advice from the SFPCA, the Police Force, and an organization that is an advocate for animal welfare.
4. After the decision of the Island Governor referred to in the second paragraph, the owner shall receive a provisional exemption in order to be able to meet the other conditions for exemption.
5. A provisional exemption shall be valid for a period of four weeks. within which the other conditions set by this Island Ordinance must be met, and if they are not, the dog can be taken in custody or put down.
6. The Island Governor can extend the terms referred to in this Article on account of special circumstances.

## EXEMPTION

### Article 14

1. The exemption shall be granted if:
  - a. the dog has been registered;
  - b. The owner of the dog can submit a statement issued and dated by the SFPCA, showing that the dog has been neutered permanently; and
  - c. there are no doubts concerning the dog or the owner when the exemption is granted, in as far as they can constitute a risk or danger to people or animals, in the Island Governor's opinion.
2. The exemption shall in any event contain a description of the dog, specifying the breed, sex, color, fur, height, age, name, and other particulars. The exemption shall also contain the identification number of the tag.
3. The exemption shall be valid as long as the dog is registered.

## DANGEROUS DOGS WITHOUT EXEMPTION

### Article 15

Dangerous dogs for which no exemption has been granted or applied for pursuant to this Island Ordinance can be put down by the SFPCA or an investigating officer at all times.

## PROMPTLY PUTTING DOWN DANGEROUS DOGS

### Article 16

In the event of immediate or imminent dangerous circumstances for the safety of a person, anyone is allowed to promptly put down a dangerous dog.

## OBLIGATIONS OF THE OWNER

### Article 17

1. Owners of a dangerous dog are obligated to see to it that the dog, if outside the owner's property:

- a. is on a short leash; this means to put a dog on a proper leash with a length not exceeding 1.5 meters, measured from hand to collar;
  - b. wears a muzzle meant and suitable for preventing a dog from biting.
2. The owner of the dog shall see to:
  - a. proper fencing around the yard;
  - b. a clearly visible warning sign warning about the presence of a dangerous dog;
  - c. his yard being closed off at all times and every access to the yard having a proper gate with a lockable bolt.

## VIOLATIONS AND PENAL PROVISIONS

### Article 18

1. It is prohibited to act in conflict with the instructions and obligations of this Island Ordinance.
2. The acts made punishable in this Island Ordinance shall be considered to be lesser offenses and be punished with imprisonment not exceeding two months and a fine of the second category.
3. All that has served to or was meant to commit a violation of this Island Ordinance, as well as all that was the object of the offense, can be confiscated. The destruction of objects or the putting down of dogs can be ordered.

## FINAL PROVISIONS

### Article 19

1. This Island Ordinance shall take effect immediately upon promulgation.
2. This Island Ordinance is cited as "Dog Ordinance Saba"
3. When this Island Ordinance takes effect. the provisions in the Island Ordinance Identification and Registration of Livestock and Pets (Official Bulletin 2004, No. 1) shall no longer apply to dogs.

Thus adopted in the Public Island Council meeting of June 28<sup>th</sup> , 2013.

Island Registrar,

The Chairman,