

**BYLAW NO. 04/11
THE ANIMAL CONTROL BYLAW, 2011**

The Council of the Village of Kenaston enacts:

TITLE

1. This Bylaw may be cited as The Animal Control Bylaw, 2011

PURPOSE

2. The purpose of this Bylaw is as follows:
- a) to provide for the licensing of animals;
 - b) to control and regulate animals;
 - c) to provide for the impounding of animals that are at contravening the bylaws;

PART I

DEFINITIONS

3. In this Bylaw:
- a) "Animals" means cats and dogs and are defined as Puppies, Kittens and either, of any age or breed.
 - b) "Bylaw Enforcement Officer" means a person employed to enforce the provisions of this Bylaw;
 - c) "at large" means if the animal is off the premises of its owner, unless the animal is both on a leash not exceeding two metres in length and is under proper control;
 - d) "Village" means The Village of Kenaston;
 - e) "Council" means the Council of The Village of Kenaston;
 - f) "Court" means the Provincial Court of Saskatchewan established pursuant to The Provincial Court Act;
 - g) "owner" includes:
 - i) a person who owns or who has possession of, or control over, an animal; 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 is keeping or harbouring an animal for the prevention, diagnosis or treatment of a disease of or an injury to the animal; and
 - iv) an animal shelter or the SPCA
 - h) "peace officer" any person appointed as a bylaw enforcement officer under Section 94 of The Urban Municipality Act, 1984;
 - i) "pound" means the premises designated by the Village as the impoundment facility;
 - j) "Poundkeeper" means a person designated by the Village to administer the impoundment facility;
 - k) "SPCA" means the Society for the Prevention of Cruelty to Animals.

PART II

LICENSING

DOG & CAT LICENSES REQUIRED

4. No person shall own or keep any dog or cat within the Village unless such dog or cat is licensed as provided in this Bylaw.

5. Licensing

- a) Every owner of a dog or cat that is over four (4) months old shall within thirty days of becoming the owner obtain a license for each dog or cat.
- b) The license referred to in Subsection a) shall not be transferable.
- c) Every owner of a dog or cat shall, not later than the first day of February in each year, obtain an appropriate license for the dog or cat from the administrator of the Village of Kenaston and failure to do so shall constitute an offense under this bylaw. No dog or cat license issued by the Village of Kenaston in respect of a particular dog or cat shall be transferable to any other animal. The animals are licensed on a calendar year basis, and all licenses expire December 31 of the year.
- d) When applying for a license under this Section, the owner shall provide the following:
 - i) a description of the dog or cat, including breed, name, gender and age;
 - ii) a history of any rabies vaccinations for the animal and whether the animal has been spayed or neutered;
 - iii) the name, address and telephone number of the owner; and
 - iv) any other relevant information which may be required.
- e) The owner shall be supplied with a current license tag and a receipt for payment of the license fee when a license is issued. The license tag must be renewed each year. The owner will be issued a replacement license tag if the current license tag is lost or destroyed and the owner shall be responsible for the replacement costs.
- f) The annual license fee for each dog or cat shall be as set out in Schedule No. 1.

VALID LICENSE TAG ATTACHED

6. License Tag

- a) The owner of a dog or cat shall ensure that the animal wears a collar to which is attached a valid license tag whenever the animal is off the premises of the owner.

EXEMPTIONS FROM LICENSING DOGS

7. A person who owns and physically relies on a guide dog trained and used to assist such person shall obtain a license for the dog and there shall be no fee payable by the owner for the license.

PART III

LITTER CLEANUP

8. Litter Clean Up

- a) If an animal defecates on any public or private property other than the property of its owner, the owner of the animal shall remove the defecation immediately.
- b) This Section shall not apply to a person who owns and is physically reliant on a guide dog trained and used to assist such person.

ACCUMULATION OF ANIMAL FECES

9. Animal Feces

- a) An owner or occupant of private property must not allow animal feces to accumulate on the property so as to create a health hazard.
- b) A Bylaw Enforcement Officer may serve an owner or occupant of private property with a notice to remove all animal feces from the property following 72 hours of service of the notice.
- c) If a notice under Subsection b) is not served personally on an owner or

occupant of private property, then a copy of the notice shall be sent by registered mail to the owner of the private property at the mailing address shown on the last revised assessment roll of the Village, and or licensing information provided.

- d) Registered mail to the owner of the property at the mailing address shown on the last revised assessment roll of the Village.
- e) A notice served by registered mail is deemed to have been received on the fifth day following the date of its mailing.
- f) The Village may remove the feces from the property if;
 - i) the person to whom the request is made fails to remove the feces within 72 hours; or
 - ii) after reasonable inquiry, the whereabouts of the owner or occupant of the property cannot be determined.
- g) If the Village carries out the work under Subsection e) & f), the costs and expenses incurred are a debt due to the Village and the Village may recover the costs and expenses:
 - i) by action in a court of competent jurisdiction
 - ii) in the same manner as municipal taxes; or
 - iii) by adding the costs and expenses to, and thereby they form part of, the taxes on the land on which the work was done.

BARKING OR HOWLING

- 10. No owner of a dog shall permit the dog to bark or howl so as to create a nuisance.

PART IV

IMPOUNDING OF DOGS OR CATS

- 11. Impounding of Dogs
 - a) A Bylaw Enforcement Officer, or peace officer may seize and impound any dog or cat that is at large.
 - b) A Bylaw Enforcement Officer, or peace officer may enter onto the land surrounding any building in pursuit of any dog or cat which is found at large.
 - c) During this period, the owner may reclaim the dog or cat from the pound upon payment to the Poundkeeper of the fees set out in Schedule No. 4.
 - d) No unlicensed dog or cat which is impounded shall be released to its owner until a license has been purchased.
 - e) If a dog or cat impounded is wearing a valid license tag, the Poundkeeper shall immediately notify the owner, by telephone or in writing, of the seizure of the animal at the telephone number or address shown in the records. No liability whatsoever shall attach to the Village, the SPCA, or the Poundkeeper by reason of the failure of the owner to receive such notice.
 - f) If a dog or cat is not reclaimed within the period set out in Subsection a). Or if conditions set out in Subsections b) and c), the Poundkeeper may sell, destroy or otherwise dispose of the dog or cat.

PART V

OFFENCES AND PENALTIES

GENERAL PENALTY

- 12. General Penalty
 - a) Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction:
 - a) in the case of an individual, to a fine of not more than \$2,000; and

- b) in the case of a corporation, to a fine of not more than \$5,000.
- b) Any person convicted of an offence under Part V shall, within ten days thereafter, deliver all animals of the kind listed in Schedule No. 5 owned, kept or harboured by that person to the Poundkeeper and they shall become the property of the Village and shall be donated to an approved agency or humanely euthanised.
- c) Any person who fails to deliver an animal as required by Subsection b) is guilty of an offence and liable on summary conviction to the penalty contained in Subsection a).

VOLUNTARY PAYMENT TO AVOID PROSECUTION

- 13. Voluntary Payment to Avoid Prosecution
 - a) Notwithstanding Section 24, a person who contravenes Sections 4, 5, 6, 8, 9, 10, or 11 upon being served with a Notice of Violation as specified in Schedule No. 6 may voluntarily pay a reduced penalty of \$50.00 within seven (7) days of the issuance of the Notice of Violation to the Administrator of the Village of Kenaston.
 - b) If the Village Administrator receives voluntary payment of the prescribed penalty within the time limit specified on the Notice of Violation, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
 - c) Nothing in this Section shall be construed to prevent any person from exercising the right to defend a charge for a contravention of this Bylaw.
 - d) A Notice of Violation as specified in Schedule No. 6 may be issued by a Bylaw Enforcement Officer, a peace officer, or the Poundkeeper.

PART VI

MISCELLANEOUS

DESIGNATED POUNDKEEPER

- 14. The Poundkeeper is the individual acknowledged by resolution of Council.

APPOINTMENT OF BYLAW ENFORCEMENT OFFICERS

- 15. Bylaw Enforcement Officers
 - a) Any person employed by Flaman Investigations as a Bylaw Enforcement Officer shall be deemed and is appointed to be a bylaw enforcement officer under Section 94 (1) of *The Urban Municipality Act, 1984*.
 - b) A Bylaw Enforcement Officer appointed under this Section may enforce this Bylaw within the Village and may perform any other duties that may be imposed by any other bylaw regarding the control, licensing and regulation of animals.
 - c) It shall be an offence for any person to harass, threaten, use excessive profanity or disobey a Bylaw Enforcement Officer.
 - d) No person, whether or not he or she is the owner of a dog or cat which is being or has been pursued or seized shall:
 - i.) Interfere with or attempt to obstruct a Bylaw Enforcement Officer who is attempting to seize or has seized any animal in accordance with the provisions of this Bylaw.
 - ii) Unlock or unlatch or otherwise open the vehicle in which animals seized under this Bylaw has been placed, so as to allow or attempt to allow any animal to escape therefrom.
 - iii) Remove or attempt to remove any animal from the possession of the Bylaw Enforcement Officer.

RESTRICTED & DANGEROUS DOGS

- 16. "Restricted Dog" shall mean:

- a) Any pit bull, American pit bull terrier, American Staffordshire terrier, Rottweiler, Doberman pinscher, German Shepard, or any identified through its physical characteristics by a Veterinarian licensed to practice in Saskatchewan.
- b) Any dog that has been trained as a guard where such training involves physical attach on an intruder when such animal is not engaged in guarding a business premise(s).
- c) Any dog that has been declared a restricted dog.

License fee \$150.00 per animal.

17. "Dangerous Dogs" shall mean:

- a) A dangerous animal pursuant to 135.2 of the *Urban Municipalities Act, 1984* or
- b) Any dog whatever its age with a known propensity, tendency or disposition to attack without provocation other domestic animals or humans; or
- c) Any dog which has bitten or attacked another domestic animal or human, without provocation; or
- d) Any dog which has been raised or trained for the purpose of fighting dogs or other domestic animals; or
- e) For the purpose of proceedings pursuant to this section a dog is presumed not to have been provoked in the absence of evidence to the contrary.

License fee \$250.00 per animal – all Rabies shots etc. up to date.

18. Restricted and Dangerous Dogs

- a) Bylaw Enforcement Officers are designated as municipal officials for the purposes of Section 135.8 of *The Urban Municipality Act, 1984*.
- b) Bylaw Enforcement Officers are designated for the purposes of Section 135.2 (5) (f) of *The Urban Municipality Act, 1984* as the persons to be notified if an owner sells or otherwise disposes of a restricted or dangerous dog.
- c) An owner shall obtain and keep in force a restricted license for his/her restricted or dangerous dog.
- d) An owner of a restricted or dangerous dog shall maintain in force a policy of liability insurance providing third party liability coverage in a minimum of \$500,000.00 for injuries caused by the owner's restricted or dangerous dog. The liability policy shall contain a provision requiring the insurer to immediately notify the municipality in writing should the policy expire or be cancelled or terminated.
- e) Within three months after the passage of this bylaw, the owner shall provide the Town Administrator proof that such liability policy is in force before he/she may obtain a restricted or dangerous dog license.
- f) The owner shall keep the restricted or dangerous dog in an enclosure which shall have secure sides and top and if the bottom is not secured to the sides, the sides must be embedded in the ground to a minimum depth of one foot. If the animal shows a propensity by digging the enclosure or pen shall be constructed to prevent this.
- g) If the owner removes the restricted or dangerous dog from the closure, he/she shall muzzle and leash the dog.
- h) The owner shall display a sign on his/her property warning public of the

restricted or dangerous dog.

M-11 (a)

- i) The owner shall report a sale or other disposition of the dog to the Municipality.

19. Aggressive Animals – Dangerous Dogs

20. The owner of an animal shall ensure that such an animal shall not:

- a) Bite a person or persons whether on the property of the owner or not;
- b) Do any act to injure a person or persons whether on the property of the owner or not;
- c) Chase or otherwise threaten a person or persons whether on the property of the owner or not, unless the person chased or threatened is a trespasser on the property of the owner;
- d) Cause damage to property or other animals.

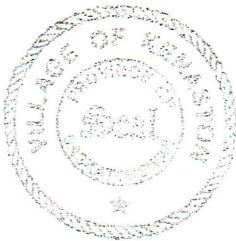
REPEAL

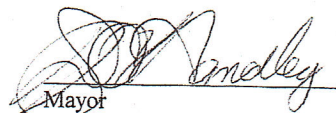
21. Bylaws 2/96, 3/05, 4/05 and 01/07 of The Village of Kenaston are repealed.


COMING INTO FORCE

22. This Bylaw shall come into force when adopted by Village Council.

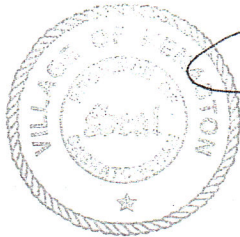
(SEAL)




Mayor


Administrator

Certified a true copy of Bylaw 04/11
adopted by resolution of Council on
the 15th Day of November, 2011.





Schedule No. 1

Dogs - \$8.00

Cats - \$8.00

Schedule No. 2

Impoundment Fees for Dogs or Cats

Pound Fee \$50.00

Care and sustenance fee \$ 10.00 (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

Schedule No. 3

Penalties Payable

Offence Penalty (Fine)

Any person who violates any provision of this bylaw shall be liable on summary conviction to the following penalties:

Failure to License dog or cat	\$ 80.00
Failure to attach valid license tag when dog or cat is off the premises of owner	\$ 80.00
Dog or cat being at large	\$100.00
Harboring a animal as described in Section 16 (a) or (b) of this bylaw	\$250.00
Failure to immediately remove animal's excrement (defecation) from public or private property other than the owners property	\$100.00
Allow animal feces to accumulate on private property	\$150.00
Dog creating a nuisance by barking or howling	\$100.00
Failure to open order of animal protection officer	\$100.00
Disobey Bylaw Enforcement Officer	\$100.00
Harboring a animal as described in Section 16 (a) or (b) of this bylaw	\$100.00

Schedule No. 4

No individual living within the Boundary of the Village of Kenaston, may own or harbor more than three (3) animals which could include either, or, dogs and cats, unless such dogs or, and cats have been grand-fathered in a the time of the 'coming into force' of these Bylaws.