

TOWN OF ELROSE

BYLAW NO. 2019 - 01

A BYLAW TO PROVIDE FOR THE REGULATION AND CONTROL OF ANIMALS

The Council of the Town of Elrose, in the Province of Saskatchewan, enacts as follows:

1. **TITLE:** This Bylaw shall be known as the “Animal Control Bylaw.”

2. DEFINITIONS

In this bylaw the term:

BYLAW OFFICER: means the animal control officer or any person appointed or employed by Council for the purpose of enforcing the provision(s) of this Bylaw.

CLERK: means the administrator of the Town of Elrose.

COUNCIL: means the Council of the Town of Elrose.

COURT: means the Provincial Court of Saskatchewan established pursuant to *The Provincial Court Act*.

JUDGE: means a judge of the Provincial Court of Saskatchewan or a justice of the peace.

MUNICIPALITY OR TOWN: means the “Town of Elrose”, Province of Saskatchewan.

OWNER: means:

- (a) any person, persons, partnership, association or corporation who keeps, possesses, harbours, or has control of an animal;
- (b) the person responsible for the custody of a minor where the minor is the owner of an animal.

PERSON: means and includes an individual(s), partnership, association, or corporation.

POUND: means the place designated by the Council for the purpose of safely lodging and securing animals seized pursuant to this Bylaw.

POUND KEEPER: means any person appointed by Council for the purpose of operating the pound.

PROHIBITED: means any animal, bird, reptile, or insect that is not allowed to be owned within the boundaries of the Town of Elrose as set out in Schedule “A” of the Bylaw.

PROVOCATION: means an act done intentionally for the purpose of provoking an animal to which this Bylaw applies.

VETERINARIAN: means a practicing Veterinarian.

CAT: means a male or female cat or kitten over eight (8) weeks of age.

DOG: means a male or female dog or puppy over the age of three (3) months.

DANGEROUS ANIMAL means:

- (a) any animal, without provocation, in a vicious or menacing manner, chases or approaches a person or domestic animal in an apparent attitude of attack;
- (b) any animal with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise threaten the safety of persons or domestic animals;
- (c) any animal that, without provocation, has bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal;
- (d) any animal which is owned primarily or in part for the purpose of dog fighting or is trained for fighting.

3. Licenses

- (a) Every person residing in the Town of Elrose, being the Owner of a dog or cat three (3) months old or older shall obtain a license for the dog or cat from the Town Office for the purpose of registering the dog or cat.

For the purpose of subsections (a) and (b) only, and notwithstanding any other provision of this Bylaw, the term “owner of a dog or cat” means that person who is normally in possession of the dog or cat, and does not include a person who is temporarily looking after a dog or cat in the owner’s absence.

- (b) At the time of registering, the owner shall provide the Town Office with a physical description of the animal including the following:
 - (i) breed, gender, name, color, coat, age;
 - (ii) whether the animal has previously been declared or investigated as being dangerous;
 - (iii) a rabies certificate valid for the registration year;
 - (iv) the name, address and telephone number of the owner of the animal and
 - (v) any other relevant information required by the Town Office.
- (c) A licence shall be in a form and size that can be attached to a collar of the dog or cat and a record of the license number, name and address of the owner will be kept at the Town Office.
- (d) Every owner who has obtained a license pursuant to this Bylaw shall attach the licence to a collar worn by the dog or cat for which the licence has been issued and ensure that the licence is displayed on the animal at all times, and failure to do so shall constitute an offence under this Bylaw and shall be subject to the penalties as outlined in Schedule ‘C’ of this Bylaw.
- (e) Licence Fees shall become due on January 1st of each year or at any time during the year immediately upon a person becoming an owner of a dog or cat, and failure to do so shall constitute an offence under this Bylaw. License fees shall be:

For Each Neutered male.....	\$ 10.00
Unneutered male.....	\$ 25.00
For Each Spayed Female.....	\$ 10.00
Unspayed Female	\$ 25.00
- (f) All licenses issued under this Bylaw shall be in effect from January 1st to December 31 of the calendar year in which the licence was purchased. Licences purchased after December 1st shall be considered to be in effect from the time of purchase through to December 31st of the following calendar year.
- (g) A Service Dog shall be registered and licensed as provided in the Bylaw but without charge.
- (h) Any license issued by the Town shall not be transferred to another animal.
- (i) If the license tag originally issued has been lost, the Town Office shall issue a replacement tag and the owner shall be responsible for the replacement costs.
- (j) The provisions of this section shall not apply to dogs and/or cats kept, in the ordinary course of business by the proprietors of the following premises:
 - (i) a veterinary hospital or clinic;
 - (ii) a public pound;
 - (iii) boarding kennel; or
 - (iv) grooming parlor;
- (k) This section shall not apply while a cat or dog is participating in a recognized cat or dog show, obedience trial or field trial.
- (l) A person residing in the Town who owns, possesses, keeps or harbours a dog or cat that does not licence that dog or cat shall be subject to the penalties as outlined in Schedule ‘C’ of this Bylaw.

4. Limited Number of Animals

- (a) No person shall keep, possess or harbour more than two (2) dogs and/or three (3) cats that are over the age of three (3) months in the same household, and any person who does is deemed to have failed or refused to comply with the provisions of this section and shall be subject to the penalties as outlined in Schedule 'C' of this Bylaw.

5. Being at Large

- (a) No dog or cat shall be allowed to be at large within the boundaries of the Town for the purpose of this Bylaw.
- (b) A dog or cat shall be deemed to be running at large when
 - (i) it is beyond the boundaries of the land occupied by owner, possessor or harbourer of the said dog or cat;
 - (ii) it is beyond the boundaries of any lands where it may be with the permission of the owner or occupant of the said land;and
 - (iii) when it is not under control by being in direct and continuous charge of a person capable of controlling it by means of
 - (a) a leash attached to the collar or harness worn by the dog or cat,
 - (b) being securely confined within an enclosure, or
 - (c) being securely fastened so that it cannot roam at will.
- (c) When a dog or cat is found to be running at large, its owner is deemed to have failed or refused to comply with the provision of this section and shall be subject to the penalties as outlined in Schedule 'C' of this Bylaw.
- (d) Where an animal is found to be running at large, a person may make a written complaint to the Bylaw Officer.
- (e) Any animal found running at large or creating a disturbance contrary to the provisions of this Bylaw may be taken by any person to the Pound as designated by the Town.
- (f) The Bylaw Officer, or any person appointed by the Council, is hereby authorized to enter onto land surrounding any building in pursuit of any animal which has been observed to be at large; and to seize, capture, and impound any animal running at large contrary to the provisions of this Bylaw.

6. Nuisances Prohibited

- (a) No owner, possessor, or harbourer of an animal shall permit the animal to create a nuisance to the annoyance or discomfort of other persons. "Creating a nuisance" shall include, but not be restricted to, loud and frequent barking, howling, yelping, whining, growling, meowing, or hissing; attempting to bite or biting anyone or any domestic animal; chasing vehicles or bicycles; causing damage to any property; urinating, defecating or spraying on or otherwise damaging or interfering with any property other than the property of the owner, possessor, or harbourer of the animal.
- (b) Every female dog in heat shall be confined to the owner's house or confined to their fence enclosed yard.
- (c) For the purpose of this section, an animal is being "too loud" if a person not situated on the property where the animal is can easily hear its barking, howling, yelping, whining, growling, meowing, hissing, chirping or other such animal noises to an extent and length of time that the animal is causing an annoyance or disturbance.
- (d) Any owner of an animal who fails to immediately restrain and remove the animal upon it becoming a nuisance is guilty of an offence and shall be subject to the penalties as outlined in Schedule 'C' of this Bylaw; and in such event, a pound keeper or Bylaw Officer may seize and impound the animal.



7. Dangerous Animals

- (a) Where a complaint is received by the Town that an animal within the Town is dangerous, *The Municipalities Act* shall apply, and in particular, but not limited to, “Division 5 Dangerous Animals” (Sec 374 – 380).

8. Prohibition of Animals

- (a) Any person who keeps, possesses, or harbours any prohibited animal or insect, dangerous animal, or any animal believed to be a dangerous animal within the boundaries of the Town is guilty of an infraction of this Bylaw and shall be subject to the penalties as outlined in Schedule “C” of this Bylaw.

9. Rabies and Other Diseases

- (a) Any animal suspected of having rabies shall not be killed but shall be secured and isolated for seven (7) days and the matter immediately reported to a veterinarian whose instructions shall be complied with;
- (b) An owner, possessor, or harbourer of a dog or cat who neglects or refuses to comply with any order of the veterinarian shall be guilty of an infraction of this Bylaw, and shall be subject to the penalties as outlined in Schedule “C” of this Bylaw.

10. Animal Defecation, Feces, and/or Litter

- (a) If an animal defecates on any public or private property other than the property of the owner, possessor or harbourer of the said animal, the owner, possessor or harbourer of the animal shall remove the defecation immediately and dispose of it in a sanitary fashion. Failure to remove the defecation shall be an infraction of this Bylaw, and shall be subject to the penalties as outlined in Schedule “C” of this Bylaw.
- (b) Defecation deposited on the private property of the owner, possessor, or harbourer of a dog or cat shall be removed and disposed of in a sanitary manner.
- (c) A Bylaw Officer may serve an owner or occupant of private property with a notice to remove all animal feces from the property within 72 hours of service of the notice.
- (d) If a notice under Subsection (c) 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 property at the mailing address shown on the last revised assessment roll of the Town.
- (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 Town 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 Town carries out the work under Subsection (f), the costs and expenses incurred are a debt due to the Town and the Town 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 forming a part of, the taxes on the land on which the work was done.

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11. Impounded Animals

- (a) The Council shall appoint a pound keeper who shall hold office at the pleasure of the Council.
- (b) Any animal(s) seized pursuant to this Bylaw shall be impounded and kept at a place approved by the Council.
- (c) Whenever any dog or cat with a collar and license tag is impounded, the Bylaw Officer shall forthwith deliver or cause to be delivered to or at the place of residence as shown by the record maintained by the Town Office, of the owner, possessor or harbourer a notice to the effect that unless the said dog or cat is redeemed and the fees provided in this Bylaw paid within forty eight (48) hours from the time of delivery or mailing of said notice, the dog or cat shall be sold, given away or destroyed.
- (d) When any dog or cat not wearing the said licence tag as provided by this Bylaw is impounded, the Bylaw Officer shall immediately post a notice in the Town Office, giving the description of the dog or cat, the date and time when it was impounded, and the date and hour when it will be sold, given away or destroyed will be at the discretion of the Bylaw Officer. Such notice shall be posted at least forty-eight (48) hours before the said sale or destruction takes place.
- (e) During the period of impounding of any animal, it shall be the duty of the pound keeper to supply the animal with adequate food, water and heated shelter.
- (f) No person shall break open or assist in breaking open any pound in which an animal may be impounded, or hinder or delay, or obstruct any person in the performance of their duties.
- (g) Prior to the release of a claimed animal that has been impounded, the owner of the animal shall pay to the Town the costs and expense of impounding and maintaining the animal established in Schedule "B" and shall upon payment of the fee be entitled to remove the animal from the Pound. Such payments shall be made by cash, certified cheque or money order only, and shall be made in advance of release of the animal.
- (h) If an animal seized pursuant to this Bylaw is not claimed, and the expenses named in subsection (g) are not paid in full within seventy-two (72) hours from the time the animal was impounded, it may be sold, given away, or destroyed at the discretion of the Bylaw Officer as per *the Stray Animals Act*.
- (i) If an animal is an obvious stray animal or a feral or wild animal, the Town shall post a notice of the option for adoption for two business days. If the animal is not adopted by that time, then the animal will be destroyed. All fees for housing and feeding the stray animal will be those of the Town as per *the Stray Animals Act*. The Town will not pay for shots, neutering or spaying of stray, feral or wild animals.

12. Humane Destruction of Sick or Injured Animals

- (a) The Bylaw Officer or a Veterinarian may take immediate action to humanely destroy any sick or injured animal found within the Town where, in their opinion, immediate destruction of the animal is necessary in order to avoid unnecessary suffering by the animal.
- (b) Reasonable efforts shall be made to contact the owner of an animal before it is destroyed pursuant to section (a). However, no action lies against the Bylaw Officer or Veterinarian solely because the owner, harbourer, or possessor of the animal was not contacted.

13. Bees, Livestock, and Poultry

For purposes of this section, the following definitions shall apply:

"bees" - means the insect *Apis mellifera*, or any insects which store up the pollen of flowers for food or that make honey and wax.

"livestock" – means any domestic animal usually raised for sale and profit, including but not necessarily limited to:

- (i) An animal as defined in s. 2(b) of *The Stray Animal Act*; or
- (ii) An animal as defined in s.2 and 3 of *The Stray Animals Regulations, 1999*.

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“poultry” – means:

- (i) Domestic fowl usually propagated and fattened for the table and for their eggs, feathers, etc., including but not limited to chickens, geese, ducks, turkeys, guinea fowl; or
 - (ii) Pigeons of the species Columa Livia commonly known as the domestic pigeon and includes pigeons raised for the purpose of racing, show, table and pets and includes feral pigeons.
- (a) No person shall possess, harbour, or confine bees nor operate an apicultural operation within the limits of the Town.
 - (b) No person shall possess, harbour, confine, herd, graze or allow to graze any livestock or poultry within the limits of the Town.
 - (c) Excluded shall be livestock and poultry brought into Town for the duration of a special event at which the said livestock and poultry will be used for purposes of exhibition or performing at a special event.

14. General Violations

- (a) Any person caught teasing, enticing, baiting, provoking or throwing objects at an animal confined within its owner’s property shall be in violation of this Bylaw.
- (b) No person shall keep an animal in an unsanitary condition. Conditions shall be considered unsanitary where the keeping of the animal results in an accumulation of fecal matter, an odor, insect infestation, or rodent attractants which endanger the health of the animal or any person, or which disturb or are likely to disturb the enjoyment, comfort or convenience of any person in or about any residence, dwelling, office, hospital or commercial establishment.

15. Notices of Violation and Offences

- (a) Any person who contravenes any of the provisions of this Bylaw or fails to comply therewith or with any notice given thereunder shall be liable to the penalties as hereinafter provided as Schedule “C”.
- (b) The penalty for breach of any of the preceding sections shall be summary conviction for the sum(s) as set out in Schedule “C” attached to and forming a part of this Bylaw.
- (c) Where a person has committed or is alleged to have committed a breach of any provision of the Bylaw, a ticket, notice, or summons may be served on such person by the Bylaw Officer, a Police Officer, Municipal Enforcement Officer, or any person duly authorized by Council. Such person served with a ticket or notice may voluntarily pay the sum indicated on the ticket or notice at the Town of Elrose Office during regular working hours provided that payment is made within a period of thirty (30) days from the service of the said ticket or notice. If payment is made within such time and accepted, then that person shall not be liable to prosecution for the offense.
- (d) If payment is not received, the person shall be liable on summary conviction for the penalties provided, notwithstanding that the animal in connection with which the offence was committed has been seized, impounded, sold, destroyed or otherwise disposed of.
- (e) Service of a ticket, notice, or summons pursuant to this Bylaw may be made by:
 - (i) personally delivering the ticket, notice, or summons to the person committing the breach of the provision of this Bylaw; or
 - (ii) by mailing such ticket, notice, or summons to the last known address of the Owner of said animal by registered mail.
- (f) A person to whom a ticket or notice is being issued pursuant to this Bylaw shall, upon request, provide their name and address. Any person who fails to provide this information is guilty of an offence and liable on summary conviction to be assessed a fine.

- (g) Any person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction:
- (i) in the case of an individual, to a fine not more than \$5,000.00 or of imprisonment for not more than 6 months, or both
 - (ii) in the case of a corporation, to a fine not more than \$15,000.00, or the directors of the corporation shall be subject to imprisonment for not more than 6 months, or both.

16. Offences Against the Bylaw Officer

- (a) It shall be an offence for any person to harass, threaten, use excessive profanity, or to disobey a Bylaw Officer, including but not limited, failing to provide his/her name, address and date of birth upon request.
- (b) No person, whether or not he is the owner of the dog or cat which is being or has been pursued or seized shall:
- (i) Interfere with or attempt to obstruct a Bylaw 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 any animal seized under this Bylaw has been placed, so as to allow or attempt to allow any animal to escape therefore.
 - (iii) Remove or attempt to remove any animal from the possession of the Bylaw Officer.

17. Severability

- (a) A decision of the Court that one or more of the provisions of this Bylaw are invalid in whole or in part does not affect the validity, effectiveness, or enforceability of the other provisions or parts thereof with respect to this Bylaw.

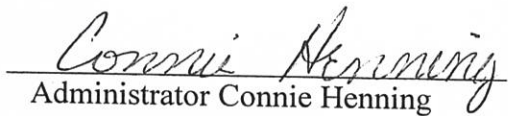
18. Coming into Force

- (a) This Bylaw shall come into effect on the date of final passing.

Bylaw 11-2007 and Bylaw 114 - 1961 are hereby repealed.



Mayor Dane MacDonald



Administrator Connie Henning



Certified a true copy of Bylaw No. 2019-01
Passed this 22nd Day of January, 2019



Administrator



SCHEDULE "A"

FORMING A PART OF BYLAW NO. 2019 - 01

PROHIBITED ANIMALS

It is prohibited to own or harbour the following animals, birds, and insects within the boundaries of the Town of Elrose:

- (a) Wildlife as defined in *The Wildlife Act*, including, but not limited to, any exotic wildlife found in Saskatchewan.
- (b) all Arachnids (spiders) dangerous to humans; venomous and non-venomous
- (c) all Scorpions
- (d) all Primates
- (e) Horses
- (f) Cows
- (g) Eagles, Hawks, Falcons, or Owls (birds of prey)
- (h) Ostriches, and Emus
- (i) all Pythons and Boa Constrictor Snakes
- (j) all Venomous Reptiles and/or Snakes
- (k) all Venomous Amphibians
- (l) all skunks unless the scent glands have been removed and documentation is provided
- (m) Llamas

SCHEDULE "B"

FORMING A PART OF BYLAW NO. 2019 - 01

COST OF IMPOUNDING AND MAINTAINING ANIMALS

1. The cost of impounding and maintaining an animal shall be determined by *the Stray Animals Regulations* (Appendix Part 1, Table 1)
2. In addition to the above costs, if an animal does not have a current and valid licence issued pursuant to Section 3 of this Bylaw, an additional charge of \$30.00 shall be levied to cover costs incurred by the Town in attempting to determine the name of the owner of the animal for the purpose of notifying the owner that his/her animal has been impounded.
3. In addition to the above costs, the actual cost of any veterinary care provided to the animal while it is impounded shall be added.
4. Subsequent offences within 12 months shall have the fine for the offence (as set out in Appendix "C") doubled each and every time the offence occurs.

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SCHEDULE "C"

FORMING A PART OF BYLAW 2019 - 01

Offences and Penalties

OFFENCE	PENALTY
Failure to obtain a dog or cat licence	\$ 100.00
Failure to display dog or cat licence on collar	\$ 100.00
Exceeding the maximum number of dogs or cats	\$ 100.00
Animal being at large	\$ 100.00
Animal creating a nuisance	\$ 100.00
Owning or Harboring Prohibited Animals	\$1,000.00
Failure to comply re: Rabies or diseased Animals	\$ 500.00
Failure to remove defecation	\$ 100.00
Keeping bees, livestock or poultry where not permitted	\$ 100.00
Offences against the Bylaw Officer	\$ 300.00

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