

**TOWN OF KAMSACK
BYLAW NO. 11/2003**

**A BYLAW TO PROVIDE FOR THE LICENSING, PROHIBITING, REGULATING AND
CONTROLLING OF ANIMALS WITHIN THE TOWN OF KAMSACK.**

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

Title

1. This Bylaw may be referred to as “The Animal Control Bylaw.”

Interpretation

2. In this Bylaw unless the context requires otherwise, the expression:

2.1 “Animal Control Officer” shall mean the Bylaw Enforcement Officer of the Town of Kamsack and/or any such person or persons as may be designated by the Town, from time to time, to enforce the provisions of this Bylaw and includes the agents or employees of that person or those persons so designated.

2.2 “Cat” means either male or female cat of the Family Felis Domestica.

2.3 “Complete control” shall mean controlled by a leash, chain or other similar restraining device.

2.4 “Council” means the Council of the Town of Kamsack.

2.5 “Dog” means either male or female dog of the Family Canis Domestica.

2.6 “Dog containment fence” means a fence constructed for the purpose of containing a dog on private property.

2.7 “Dog run” means a permanent structure outside of a residential dwelling unit, used for the containment of a dog.

2.8 “Effective control” shall mean under the immediate control of the owner or other such person who is with the dog and who is able to control the dog in all respects by means of verbal command.

2.9 “Owner” includes:

- i) a person, persons, partnership, association or corporation who keeps, possesses, harbors; or has care of or control of a dog or cat;

ii) the person responsible for the custody of a minor where the minor is the owner of a dog or cat;

but does not include:

iii) a veterinarian registered pursuant to The Veterinarians Act, 1987 who is keeping or harboring a dog or cat for the prevention, diagnosis or treatment of a disease or an injury to the dog or cat;

iv) an urban municipality or the Saskatchewan Society for the Prevention of Cruelty to Animals in respect of an animal shelter or impoundment facility operated by it;

2.10 “Pound” means such premises and facilities as may be designated by the Town, from time to time, as the pound.

2.11 “Poundkeeper” means a person, persons, or associations designated by the Town from time to time to maintain and administer the pound.

2.12 “Prohibited dog” means any dog, whatever its age, of the following breeds or kinds:

- i) Pit Bull Terrier
- ii) American Pit Bull Terrier
- iii) Pit Bull

or any dog of a mixed breeding, which can be identified through its physical characteristics as a dog partially of the above mentioned breeds or kinds by a veterinarian licensed to practice in Saskatchewan.

2.13 “Running at large” means off the premises and boundaries of the land occupied by the owner or possessor or the animal or beyond the boundaries of any lands where the dog or cat may be with the permission of the owner or occupier of the lands and is not under complete control or effective control of the owner.

2.14 “Town” means the Town of Kamsack.

Part I: Care, Control and Licensing

3. Care and Control

3.1 No person shall keep a dog or cat in an unsanitary condition within the municipality. Conditions shall be considered unsanitary where the keeping of the dog or cat results in an accumulation of fecal matter, an odor, insect infestation or rodent attractants which endanger the health of the dog or cat or any person, or which disturb or are likely to disturb the enjoyment, comfort, or convenience of any person in or about any dwelling, office, hospital or commercial establishment.

3.2 If a dog or cat defecates on any public or private property within the Town of Kamsack other than the property of its owner, the owner shall cause such feces to be removed immediately and disposed of in a sanitary fashion.

3.3 Any owner of a dog or cat and occupying lands in the Town of Kamsack shall remove any and all dog or cat feces from the said property on a daily basis and shall dispose of the feces in a sanitary manner.

3.4 Failure to cause the removal of all feces as required by subsection 3.2 and 3.3 shall be a breach of this bylaw.

i) An owner or occupant of private property must not allow animal feces to accumulate on the property so as to create a health hazard or to become unsightly.

ii) An Animal Control 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.

iii) If a notice under subsection 3.4(ii) 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.

iv) A notice served by registered mail is deemed to have been received on the fifth day following the date of its mailing.

v) The Town may remove the feces from the property if the person to whom the request is made fails to remove the feces within 72 hours; or after reasonable inquiry, the whereabouts of the owner or occupant of the property cannot be determined.

3.5 If the Town carries out the work under subsection 3.4 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 they form part of, the taxes on the land on which the work was done.

3.6 No owner shall suffer, permit, allow or for any reason have his or her dog or cat to be or become a nuisance by barking, howling, or meowing excessively or in any other manner to the annoyance or discomfort of any person.

3.7 Any such dog or cat which is or has become a nuisance by barking, howling, or meowing, bite or chase animals, bicycles or motor vehicles, shall not be harbored by any person within the Town limits. Failure to comply with this Section shall constitute an offence under this bylaw. A Provincial Court Judge, on an ex-parte application, may also:

i) direct the Animal Control Officer to give notice to such owner requiring the nuisance complained of to be abated so as to prevent the recurrence of any nuisance, or;

ii) is such nuisance continues, order said dog to be destroyed upon (8) eight days notice being given to the owner, unless the owner otherwise agrees.

3.8 No owner of a dog or cat shall permit his or her dog or cat to, without provocation:

- i) chase, bite or attack any person
- ii) chase, bite or attack any domestic animal
- iii) damage public or private property

3.9 No person shall:

- i) Untie, loosen or otherwise free a dog or cat which has been tied or restrained; or
- ii) Negligently or willfully open a gate, door or other opening in a fence or enclosure in which a dog or cat has been confined and thereby allow a dog or cat to run at large in the Town of Kamsack;
- iii) Tease, entice, bait or throw objects at a dog or cat confined within its owner's property.

3.10 The running at large of dogs or cats is prohibited within the Town of Kamsack.

3.11 In this section, an animal shall be "at large" if it is off the premises of its owner, unless the animal is:

- i) under complete control and effective control of its owner.
- ii) on a leash not exceeding six (6) feet in length.

3.12 When a dog or cat is found running at large, its owner shall be deemed to have failed or refused to comply with the requirements of the previous subsection.

3.13 Owners shall ensure that a dog run or dog containment fence on the Owner's property is located no closer than four (4) feet to a property line.

3.14 Owners shall ensure that a dog run or dog containment fence on the Owner's property is constructed of material of sufficient strength and in a manner adequate to:

- i) confine the dog; and
- ii) prevent the entry of children of less than 16 years of age.

3.15 A dog run or dog containment fence is not permitted to be placed in the front yard of a dwelling unit.

3.16 If, in the opinion of the Animal Control Officer, the condition or location of a dog run is not in accordance with this Bylaw, the Animal Control Officer may order the owner of the property on which the dog run is located, to clean, alter, demolish or relocate the dog run within the time period specified in the order.

3.17 The person to whom an order is issued pursuant to subsection 3.16 shall comply with the order within the time specified in the order.

3.18. An order to relocate a dog run issued pursuant to subsection 3.16 will allow the owner of the property on which the dog run is located, at least thirty (30) days to relocate or remove the dog run.

4. Licensing

4.1 The license year for dogs and cats shall be the calendar year, January 1 to December 31.

4.2 The owner of any dog or cat aged three months or more shall, not later than January 31 of each year, or within 10 days after becoming the owner of a dog or cat, obtain a license for the dog or cat from the Town. The license shall not be transferable to any other dog or cat or to another owner. The onus of proof as to the exact date when the owner became the owner of the dog or cat shall be on the owner.

4.3 When applying for a license under this section, the applicant shall provide the Town with a description of the dog or cat, the name and address of the owner or the keeper, the breed of the dog, proof of rabies vaccination within two (2) years of the date of application for the license, and any other relevant information which may be required by the Town.

4.4 When issuing a license for a dog or cat, the Town shall supply the applicant with a tag, the form of which may be determined by the Town, which shall have stamped or engraved on it numbers or letters indicating a serial number and year of issue. A receipt for payment of the license shall also be supplied to the owner, who will attach the tag to a collar to be worn around the neck of the dog or cat at all times.

4.5 Where a license required pursuant to this section has been paid for by the tender of an uncertified cheque, the license is automatically revoked if the cheque is not accepted and cashed by the bank on which it is issued.

4.6 A dog owned by a sightless person and used as a guide, or "Seeing Eye" dog shall be licensed as provided by this bylaw, but without charge.

4.7 No person other than the owner of the dog or cat licensed pursuant to this Bylaw shall remove its collar or tag.

4.8 The annual license fee shall be as set out in Schedule "A" attached to and forming part of this Bylaw.

4.9 In the event a tag is lost or destroyed, a duplicate will be issued by the Town upon presentation by the owner of a receipt showing payment of the license fee for the current license year and upon payment of the sum of \$5. for the issuance of the duplicate.

4.10 The provisions of this section shall not apply to dogs and cats kept, in the ordinary course of business by the proprietors of the following premises namely:

- i) a veterinary hospital, clinic, boarding kennel or grooming parlor;
- ii) a public pound;
- iii) a shop whose business includes the sale of pets and is licensed as such;
- iv) a shelter operated by an association or society incorporated for the purpose of the protection and humane treatment of animals;

4.11 The owner or possessor of a kennel whose kennel name is registered in the register of the Canadian Kennel Club may in lieu of procuring a license for each dog as herein before required, pay the Town the sum of \$50. as the license fee for all dogs in such kennel. Such license shall cover all the registered dogs composing such kennel for the year in which such fee is paid. In applying for a license for such kennel, the person making the application must produce a certificate from the Canadian Kennel Club showing that such kennel has been registered. In all other aspects the owner of such kennel shall comply with the provisions of this Bylaw.

4.12 The owner of a dog or cat shall ensure the dog or cat wears a collar to which is attached a current license tag whenever the dog or cat is off the premises of the owner, provided that this provision shall not apply while a dog or cat is participating in a recognized show, obedience trial or field trial.

4.13 No person shall give false information when applying for a dog or cat licence.

Part II Seizure, Impounding, and Nuisances

5. Seizure and Impounding

5.1 An Animal Control Officer, Poundkeeper, or Peace Officer may seize and impound:

- i) any dog or cat running at large
- ii) any dog or cat not wearing a collar and tag while off the premises of the owner and not accompanied by a person responsible.

5.2 An Animal Control Officer, Poundkeeper, or Peace Officer may enter onto the land surrounding any building in pursuit of any dog or cat which has been observed running at large.

5.3 No person, whether or not he 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 Poundkeeper, Animal Control Officer or Peace Officer who is attempting to seize or has seized any dog or cat in accordance with the provisions of this Bylaw.

ii) unlock or unlatch or otherwise open the vehicle in which dogs or cats seized under this Bylaw have been placed, so as to allow or attempt to allow any dog or cat to escape therefrom.

iii) remove or attempt to remove any dog or cat from the possession of the Poundkeeper, Animal Control Officer or Peace Officer.

5.4 The Poundkeeper shall keep all impounded dogs and cats for a period of at least 72 hours, excluding the day of impounding. Sundays and statutory holidays shall not be included in the 72 hour period. 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 "C" of this Bylaw.

5.5 No unlicensed dog or cat which is impounded shall be released to its owner or to any other person until the appropriate pound fee and violation notice ticket is paid and a license has been purchased for it.

5.6 The Animal Control Officer shall make all reasonable efforts to identify and contact the owner of every unlicensed animal received, whether the animal is alive or dead.

5.7 When an impounded dog or cat is wearing a collar to which is attached a license tag, valid for the current year, the Poundkeeper or Animal Control Officer shall immediately give telephone or written notice to the owner of the dog or cat as shown in the records made when the license was purchased at the address shown therein. Unless the said dog or cat is claimed and the fees as proved by this Bylaw are paid within 72 hours from the date of the Notice, the said dog shall be dealt with pursuant to the provisions of this Bylaw and no liability whatsoever shall attach to the Town, the Animal Control Officer or the Poundkeeper by reason of the failure of the owner to receive such notice.

5.8 Where, in the opinion of the Poundkeeper, in consultation with a veterinarian, a dog or cat seized and impounded is injured or ill and should be destroyed without delay for humane reasons or for reasons of safety to persons, the dog or cat may be euthanized humanely. Reasonable efforts shall be made to contact the owner of a dog or cat before the dog or cat is euthanized under this subsection, however no action lies against the Poundkeeper or Veterinarian solely because the owner of the dog or cat was not contacted.

5.9 Where a dog or cat seized and impounded is injured or ill and is treated by a veterinarian, the Town shall, in addition to any impoundment fees, be entitled to charge the person claiming the animal for the cost of the treatment.

5.10 During the impoundment period, the owner may claim the dog or cat upon proof of ownership of the animal, and payment to the Town of:

i) the appropriate fine where applicable as outlined in Schedule "B";

ii) the appropriate license fee when the dog or cat is not licensed;

iii) pound fees as identified in Schedule “C”;

iv) veterinary fees where applicable.

5.11 Where the owner of a dog or cat does not claim the animal he shall, when known to the Poundkeeper, pay a pound fee as outlined in Schedule “C” for each day the animal is in custody. Failure to pay such fees shall be considered a breach of this Bylaw.

5.12 Where a dog or cat has not been claimed within the period as set out in Subsection 5.4 above, or where the owner of a dog or cat has failed or refused to comply, within said period, with the conditions set out in Subsection 5.4, Subsection 5.5, and Subsection 5.11 above, the dog or cat may be disposed of Poundkeeper without further notice in the following manner:

i) subject to subsection 5.10, disposal by adoption, where in the opinion of the Poundkeeper the dog or cat is suitable for adoption;

ii) give the dog or cat to the Society for the Prevention of Cruelty to Animals.

iii) disposal by euthanasia where in the opinion of the Poundkeeper the dog or cat is not suitable for adoption.

5.13 In the event that the same dog or cat is impounded four (4) or more times in the same calendar year for breaching any provision of this bylaw, the Animal Control Officer or other person authorized by Council may issue an order to the owner to remove the offending dog or cat from Town.

5.14 Any dog or cat suspected of having rabies or other life threatening disease shall be isolated and may not be claimed from the pound, destroyed or otherwise disposed of except after notice to the Medical Health Officer and then only in compliance with the direction of the Medical Health Officer.

6. Nuisance

6.1 No owner of a dog or cat shall permit the dog or cat to create a disturbance by ululating. For the purpose of this section a dog or cat is creating a disturbance if its ululating can be easily heard by a person not situated on the property where the dog or cat is kept.

6.2 On a complaint made in writing to the Animal Control Officer that any dog or cat has been causing a disturbance, the Animal Control Officer, upon being satisfied of the truth of the complaint, may notify the owner of such dog or cat to abate the nuisance within 48 hours after receipt of the notice. The notice shall be in writing and shall be served personally upon the owner or left with some adult person at the residence of the owner. Failure to comply with the terms of the notice shall be a breach of this Bylaw.

6.3 Upon receiving a second or subsequent complaint within 30 days after the expiry of the 48 hour period set out in a notice under Subsection 6.2, the Animal Control Officer may order the

owner to destroy the dog or cat, remove the dog or cat from Town or deliver the dog or cat to the Animal Control Officer within 48 hours after receipt of the order. In the event that the order requires the dog or cat to be delivered up to the Animal Control Officer and the dog or cat is not so delivered, the Animal Control Officer may enter onto the property of the owner for the purpose of removing such dog or cat.

Part III Dangerous and Prohibited Dogs and Cats

7. Dangerous Dogs

7.1 The Animal Control Officer is designated for the purpose of Section 135.8 of *The Urban Municipality Act, 1984*.

7.2 The Animal Control Officer is 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 dangerous dog.

8. Prohibited Dogs

8.1 No person shall own, possess or harbor a prohibited dog within the boundaries of the Town of Kamsack.

8.2 Any person who owns, possesses or harbors a prohibited dog within the boundaries of the Town of Kamsack shall be deemed to be guilty of an infraction of this Bylaw. The owner will be given an order, in writing, from the Animal Control Officer, to have the dog removed from Town within 24 hours. If the dog is not removed from Town in the time period indicated, the owner will be given a \$500. fine for each day the dog remains in Town.

9. Cat Bites

9.1 When a cat has bitten a person or is suspected of being rabid, the local veterinarian shall be notified immediately. Any charges incurred by the town to have the veterinarian in attendance shall be charged to the owner, and if the cat is impounded, paid prior to the cat being released from the pound. Failure of the owner to pay such fees within the specified period shall be deemed a breach of this Bylaw.

Part IV Penalties

10. Penalties

10.1 Every person who contravenes any provision of this Bylaw not covered under Schedule "B" of this Bylaw is guilty of an offence and liable on summary conviction:

- i. in the case of an individual, to a fine of not more than \$2000; and
- ii. in the case of a corporation, to a fine of not more than \$5000.

10.2 Conviction of a person for breach of any provision of this Bylaw does not relieve him from compliance with the Bylaw, and the convicting Justice of the Peace or Judge of the Provincial Court may, in addition to any fine imposed, order the person to perform, within a specified period, any act or work necessary for the proper observance of this bylaw or to remedy any breach thereof. This may include having the dog or cat removed from Town, or destroyed.

10.3 A person who fails within the period specified in an Order under Subsection 10.2 to comply with the order is guilty of an offence and liable upon summary conviction to a fine of \$500. for each day during which the breach continues.

10.4 Each day of violation of any provision of this Bylaw shall constitute a separate offence.

10.5 The applicable penalties for contravention of this Bylaw shall be as provided for in Schedule "B" attached to and forming part of this Bylaw.

Part V General

11. It shall be unlawful to keep live poultry, livestock, and/or bees, within the boundaries of the Town of Kamsack, except:

i) on the premises of a recognized industry in the business of handling livestock, bees, and/or poultry;

ii) on the premises of, and in association with, shows, fairs, and/or exhibitions held with the permission of the Town of Kamsack.

12. If any section, subsection, sentence, clause, phrase or other portion of this Bylaw is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision, and the holding of the Court shall not affect the validity of the remaining portions of the Bylaw.

13. Bylaw No. 9/77, Bylaw No. 29/88, Bylaw No. 28/89, Bylaw No. 25/92, Bylaw No. 9/94, and Bylaw No. 10/94 are hereby repealed.

14. This Bylaw shall come into force and take effect on the day of final passing thereof.

Read a third time and adopted

this ____ day of _____, 2003

SEAL

Mayor

Administrator

BYLAW NO. 11/2003

SCHEDULE "A"

DOG LICENCE

- | | |
|--|-----------|
| 1. Male or Female | \$20.00 |
| 2. Neutered male or spayed female | \$10.00 |
| 3. All dogs between the age of 3 and 12 months at the time the license is purchased; such dog license purchased being valid for the current licensing period | \$10.00 |
| 4. Guide/Seeing Eye Dog | No charge |
| 5. Replacement Tag | \$ 5.00 |

CAT LICENCE

- | | |
|--|---------|
| 1. Male or Female | \$20.00 |
| 2. Neutered male or spayed female | \$10.00 |
| 3. All cats between the age of 3 and 12 months at the time the license is purchased; such cat license purchased being valid for the current licensing period | \$10.00 |
| 4. Replacement Tag | \$ 5.00 |

BYLAW NO. 11/2003

SCHEDULE "B"

<u>OFFENCE UNDER</u>	<u>OFFENCE</u>	<u>AMOUNT</u>
Section 3.2	Defecation - property other than owner	\$ 50.00
Section 3.3	Defecation - owner's property not cleaned daily	\$ 50.00
Section 3.4	Allowing animal feces to accumulate on property	\$100.00
Section 3.6	Barking	\$100.00
Section 3.9(i)	Untie or free an animal	\$ 75.00
Section 3.9(ii)	Willfully open gate or door	\$ 75.00
Section 3.9(iii)	Tease, throw things at dog or cat	\$ 50.00
Section 3.10	Running at large	\$ 50.00
Section 4.2	Unlicensed Dog	\$ 50.00
Section 4.7	Removing collar or tag	\$ 50.00
Section 4.12	Dog was not wearing license off the owner's property	\$ 25.00
Section 4.13	False Information	\$100.00
Section 5.3	Interference with enforcement	\$100.00

**Subsequent Offense committed within twelve (12) months of the first offense-
DOUBLE THE ABOVE SCHEDULE**

BYLAW NO. 11/2003

SCHEDULE "C"

CHARGES FOR THE RELEASE OF IMPOUNDED DOGS OR CATS

a) First Offence:

\$30.00 plus \$10.00 per day (pound fee) or part thereof plus annual license fee if unlicensed.

b) Second Offence:

\$60.00 plus \$10.00 per day (pound fee) or part thereof.

c) Subsequent Offence within One 12 Month Period:

\$250.00 plus \$10.00 per day (pound fee) or part thereof.

-a Pound Fee of \$10.00 per night shall be charged for each animal that spends a night under the care of the Animal Control Officer or his/her designate.