

## BYLAW 18 – 2004

### ANIMAL CONTROL BYLAW

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

1. This bylaw shall be known as “**The Animal Control Bylaw**”.
2. DEFINITIONS:
  - a) “**ANIMAL**” means and includes all dogs, cats, or any other type of household pet that is permissible to harbour within the municipality.
  - b) “**ANIMAL SHELTER**” means such premises and facilities as may be designed by the Council for the purposes of safely lodging and securing cats and dogs seized pursuant to this bylaw.
  - c) “**BYLAW ENFORCEMENT OFFICER**” means the person or persons appointed, employed, or contracted by the council of the Town of Dundurn, or a peace officer for the Province of Saskatchewan, for the purpose of enforcing the provisions of this bylaw (Council may combine the bylaw enforcement officer and pound keeper as one).
  - d) “**CAT**” means any male or female feline over the age of six (6) months.
  - e) “**CLERK**” means the administrator of the municipality
  - f) “**COUNCIL**” means the council of the Town of Dundurn
  - g) “**DOG**” means any male or female canine over the age of six (6) months.
  - h) “**DANGEROUS DOG**” means:
    - i) Any dog, that without provocation, in a vicious or menacing manner, chases or approaches a person or domestic animal in an apparent attitude of attack;
    - ii) Any dog, whatever its age, with a know propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise threaten the safety of persons or domestic animals;
    - iii) Any dog that, without provocation, has bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal;
    - iv) Any dog which is owned primarily or in part for the purpose of dog fighting or is trained for fighting.
  - i) “**HOUSEHOLD**” means a dwelling at a residence or street address within the limits of the Town of Dundurn where the owner(s) of an animal(s) reside.
  - j) “**KENNEL**” means a facility for raising, breeding, or boarding more than three animals.
  - k) “**MUNICIPALITY**” means the Town of Dundurn.
  - l) “**OWNER**” includes:
    - i) a person, persons, partnership, association or corporation who keeps, possesses, harbours, or has care of or control of an animal(s);

- ii) the person responsible for the custody of a minor where the minor is the owner of an animal(s);
- m) **“POUND KEEPER”** means a person(s) appointed, employed, or contracted by the Town of Dundurn to maintain, manage and control the animal shelter, to keep records of the animals impounded, released or disposed of and to collect any fees and charges levied under this bylaw as provided herein.
- n) **“RESTRICTED ANIMAL”** means:
  - i) any animal that has previously been deemed a dangerous animal, in accordance to this bylaw or any other bylaw, has been running at large within the Town of Dundurn;
  - ii) any animal that has been previously deemed a dangerous animal, in accordance to this bylaw, or any other bylaw, has been found running at large within the Town of Dundurn and has chased or approached a person or domestic animal in a vicious or menacing manner, or has attacked to cause injury or to otherwise threaten the safety of persons or domestic animals.
- o) **“RUNNING AT LARGE”** means when any animal is beyond the boundaries of the land occupied by the owner, possessor, or harbinger or keeper of the said animal, or beyond the boundaries of any lands where it may be with the permission of the owner or occupant of the said land and is not under control by being:
  - i) in direct and continuous charge of a person competent to control it, or
  - ii) on a leash not to exceed two (2) metres in length; or
  - iii) securely confined within an enclosure; or
  - iv) securely fastened so that it cannot roam at will.
- p) **“TOWN”** means the Town of Dundurn.

### 3. LICENSING:

- a) The license for animals shall be from the first day of January to the thirty first day of December of the same year.
- b) Every owner of an animal within the Town shall cause each such animal to be registered with and obtain a license for it from the Town office. When applying for a license, the applicant shall provide the Town office with a physical description of the animal, the breed in the case of a dog, and any other relevant information required with respect to the animal for which the license is sought and shall provide the name, address, and telephone number of the owner of the animal. The onus of proof as to the exact date, which the owner actually became the owner of the dog in question, shall be on the owner.
- c) Every owner of a dog or cat six months or older shall no later than the 15<sup>th</sup> of January in each year, or within 30 days of becoming an owner of a dog or cat, apply for a license for the said dog or cat from the Town office, and failure to do so shall constitute an offense under this bylaw.
- d) 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, proof of animal being spayed/neutered, vaccinations, and any other relevant information, which may be required by the Town.

- e) When issuing a license for a dog or cat, the Town shall supply the applicant with a tag and/or micro chip, the form of which and lettering or numbers inscribed or imprinted thereon as may be determined by the Town and a receipt for the payment of the license, and the said owner shall attach the said metal tag to the collar to be worn around the neck of the licensed animal at all times.
- f) Any dog or cat license issued pursuant to the provisions of the bylaw by the Town of Dundurn shall not be transferable to any other dog or cat.
- g) The annual license fee for a dog or cat license shall be as set out in Schedule "A" attached hereto and which may be amended from time to time by resolution of Council.
- h) The sum payable for a license required after the first day of August in the calendar year shall be calculated at 50% of the annual fee and shall expire the thirty-first day of December in the same calendar year.
- i) In the case the original metal tag being lost or destroyed, a duplicate shall be issued at the Town office or by the Bylaw Enforcement Officer upon presentation by the owner of a receipt showing payment of the license fee of the current dog or cat license year and upon payment of the sum of \$ 5.00 for the issuance of a duplicate.
- j) The provisions of this section shall not apply to dogs/cats kept by owners within the limits of the Town of Dundurn for a period of more than 30 days, but less than 90 days. However, the said owner shall obtain a visitor's permit at no cost for this period. If the said animal is kept within the limits of the Town of Dundurn for a period exceeding 90 days cumulatively within a calendar year, the owner shall be required to purchase a license for the said animal from the Town of Dundurn.
- k) The provisions of this section shall not apply to the dogs or cats in the ordinary course of business by the proprietors of the following premises, namely:
  - i) Veterinary clinic or grooming parlour;
  - ii) Public pound;
  - iii) Public park or zoological gardens;
  - iv) Shop whose business includes the sale of pets and is licensed as such;
  - v) A shelter operated by an association or society incorporated for the purpose of the protection and humane treatment of animals.
- l) Notwithstanding Section 3 hereof, no license or micro chipping fee shall be payable by the owner of a dog where the dog being licensed is a guide dog that the owner physically relies on and the guide dog is trained and used to assist such person.
- m) A person residing in the Town of Dundurn who owns, possesses, keeps or harbours a dog or cat and neglects or refuses to register and apply for a license for the current year, or neglects to cause the dog or cat to wear the license, shall be subject to the penalties as outlined in Schedule "C" of this bylaw.

**4. RUNNING AT LARGE:**

- a) Any person who owns or has the care and control of an animal found running at large within the Town of Dundurn is in violation of this bylaw.
- b) When an animal is found to be running at large, the owner shall be deemed to have failed or refused to comply with the requirements of the provisions of this Section.
- c) Where an animal is found to be running at large, the owner or occupant of the property on which the animal is running at large may make a written complaint to the Bylaw Enforcement Officer or the Town of Dundurn.

**5. LIMITS – ANIMALS**

- a) No person within the Town of Dundurn shall harbor or keep more than three (3) animals of one species on any one property. If an owner fails or refuses to comply with the provisions of this section, he/she shall be subject to the penalties as set out in Schedule “C” attached hereto and which may be amended from time to time by resolution of Council.

**6. KENNELS**

No kennels of any type or description are permitted within the Town of Dundurn.

**7. SEIZURE AND IMPOUNDING:**

- a) A Bylaw Enforcement Officer may seize and impound any dog or cat observed to be at large.
- b) A Bylaw Enforcement Officer may enter onto land surrounding any building in pursuit of any dog or cat that has been observed to be at large.
- c) The Bylaw Enforcement Officer is hereby authorized to seize and capture, by the use of a tranquilizer gun or any other method authorized by the resolution of council for the Town of Dundurn, and impound any dog or cat running at large contrary to the provisions of this bylaw.
- d) Any person may take any dog or cat found running at large contrary to the provisions of the bylaw to the Town of Dundurn Animal Shelter.
- e) No person, whether or not he/she is the owner of a dog or cat which is being pursued or seized shall:
  - i) interfere with or attempt to obstruct the Bylaw Enforcement 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 the dog(s) or cat(s) seized under this bylaw have been placed, so as to allow or attempt to allow any dog(s) or cat(s) to escape there from;
  - iii) remove or attempt to remove and dog(s) or cat(s) from the possession of the Bylaw Enforcement Officer.
- f) When the Bylaw Enforcement Officer or Clerk observes or receives a complaint of a cat causing a nuisance, that may issue a trap to the complainant upon execution of the complainant of the cat trap permit agreement, which includes the regulations for the use of the trap as set out in

Schedule "E" of this bylaw and payment of a refundable deposit of \$ 50 for the use of the trap as set out in Schedule "E" of this bylaw.

**8. ANIMAL SHELTER:**

- a) The Council of the Town of Dundurn shall appoint a Pound Keeper.
- b) All dogs and cats impounding in the Animal Shelter shall be so confined therein for a period of 72 hours from the time of capture during which time the owner thereof shall have the right to repossess the said dog or cat upon paying to the Town office or Bylaw Enforcement Officer the amount set forth in Schedule "B" to this Bylaw as amended from time to time by resolution of Council.
- c) No unlicensed dog or cat, which is impounded, shall be released to its owner or to any other person until the appropriate pound fee is paid and a license has been purchased for it.
- d) When a dog or cat impounded is wearing a collar to which is attached a license tag valid for the current year, the Town Office shall immediately attempt to contact the owner as shown in the records made when the license was purchased at the address shown therein, that unless the said dog or cat is claimed and the fees as provided for with the bylaw are paid within 72 hours from the date of impounding, the said dog or cat shall be dealt with pursuant to the bylaw.
- e) All impounded dogs or cat which are not claimed with 72 hours as aforesaid, may be sold by the Town of Dundurn to any person paying for such dog or cat, all pound fees incurred and procure a license for such dog or cat as provided for by this bylaw. In the event any dog or cat is not sold after the expiration of the said 72 hours, it shall be disposed of in the most humane way possible.
- f) It shall be the duty of the Pound Keeper to provide each dog or cat impounded under the authority of this bylaw, an adequate supply of food and fresh water during its confinement in the Animal Shelter.
- g) Any dog or cat found in any public place or on any public property or otherwise running at large contrary to the provisions of this bylaw, the Bylaw Enforcement Officer may seize and impound the said animal.

**9. LITTER:**

- a) If a dog or cat defecates on any public or private property other than the owner's, the owner of the dog/cat shall cause such defecation to be removed immediately, and:
  - i) an owner or occupant of private property shall not allow animal feces to accumulate on the property so as to create a health hazard;
  - ii) if requested to do so by the Bylaw Enforcement Officer or public health inspector, the owner or occupant of private property must remove all animal feces from the property within 72 hours of the time the request is made;
  - iii) if the request under sub-section I) is made to an occupant of private property, a copy of the request shall also be sent by certified mail to the owner of the property at the mailing address shown on the last revised assessment roll of the Town.

- b) 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 of request; or
  - ii) after reasonable inquiry of the whereabouts of the owner or occupant of the property cannot be determined.
- c) If the Town carries out the work under sub-section b), the costs and expenses incurred are considered a debt due to the Town and the Town may take the appropriate actions necessary to recover the incurred costs for such work.

**10. NUISANCE:**

- a) Nuisance – Dogs
  - i) The owner, possessor or harbinger of a dog shall not allow the animal to create a nuisance to any person by barking, howling, attempting to bite or biting anyone or any domestic animal, chasing vehicles or bicycles and any owner, possessor, or harbinger who contravenes this section commits an offense under this bylaw.
- b) Nuisance – Cats
  - i) The owner, possessor, or harbinger of a cat shall not allow the animal to create a nuisance to any person by howling, hissing, or otherwise making disruptive noises or by urinating, defecating or spraying on or otherwise damaging or interfering with any property other than the property of the owner, possessor, or harbinger. Any owner, possessor, or harbinger who contravenes this section commits an offense under this bylaw.

**11. RESTRICTED AREAS FOR ANIMALS:**

Areas prohibited to animals are all public parks including the labyrinth, school grounds, sports fields, and any public building. Assistance animals are exempt.

**12. DANGEROUS DOGS:**

- a) Where a complaint is received by the Town Office that a dog within the Town of Dundurn is dangerous, Section 135.2 of *The Urban Municipality Act, 1984* and Section 3 of *The Dangerous Dogs Control Regulations of the Urban Municipality Act, 1984* shall apply.

**13. RESTRICTED DOGS:**

- a) Any dog that has been previously deemed a dangerous dog, in accordance to this bylaw, that has been found running at large within the Town of Dundurn and has chased or approached a person or domestic animal in a vicious or menacing manner, or has attacked to cause injury or to otherwise threaten the safety of persons or domestic animals shall be deemed a restricted dog by the Bylaw Enforcement Officer.
- b) Now owner shall keep, possess or harbour a restricted dog within the Town of Dundurn.

**14. OWNING AND HARBOURING EXOTIC AND WILD ANIMALS**

- a) No person shall own or harbour any animal, or hybrid of any animal, of the kind listed in Schedule "D" for any purpose.
- b) No person, partnership or corporation, whether operated separately or in connection with another business enterprise, shall operate a pet store that buys, sells, trades exhibits or harbours any animal or hybrid of any animal of the kind listed in Schedule "D",

**15. GENERAL PENALTIES:**

- a) A person who contravenes any provision of this bylaw or neglects or refuses to comply therewith shall be guilty of an offense and liable upon summary conviction to a fine of not less than \$ 25.00 and not more than \$ 2,000.00.

**16. PENALTIES:**

- a) Tickets shall be issued by the Bylaw Enforcement Officer for the Town of Dundurn for offenses against this bylaw with the penalty amounts set forth in Schedule "C" to this Bylaw as amended from time to time by resolution of Council.
- b) Notwithstanding Section 12, a person who contravenes any provision of this bylaw, upon being served with a ticket, may voluntarily pay to avoid prosecution the prescribed penalty in Schedule "C" at the Town of Dundurn Administration Office, 300 Third Avenue, Dundurn, Saskatchewan.
- c) If the Town of Dundurn receives voluntary payment of the prescribed penalty within fourteen (14) days from the date the ticket was issued, the person receiving the ticket shall not be liable for prosecution for contravention in respect of which the ticket was given.
- d) If payment is not received as provided in sub-section © hereof within the time prescribed, a Summons shall be issued to the person alleged to have committed the offense, and thereafter, the provisions of this section shall not apply with respect to that offense.
- e) A person to whom a ticket is being issued pursuant to this section shall furnish the Town of Dundurn Bylaw Enforcement Officer, upon request, his/her name and address.
- f) Bylaw No. 1-2002 is hereby repealed.

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BRETT SEYMOUR, DEPUTY MAYOR

(S E A L)

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DONNA HAUG, RMA

Introduced and read a first time this 4<sup>th</sup> day of October, 2004  
Given Second reading this 4<sup>th</sup> day of October, 2004  
Given Final Reading and hereby be Adopted this 4<sup>th</sup> day of October, 2004

## SCHEDULE "A" TO BYLAW 18-2004

### ANNUAL LICENSE FEES FOR DOGS

			NEUTERED/SPAYED
1.	First Dog in Household	\$ 45.00	\$ 20.00
2.	Second Dog in Household	55.00	30.00
3.	Third Dog in Household	65.00	40.00

### ANNUAL LICENSE FEES FOR CATS

			NEUTERED/SPAYED
1.	First Cat in Household	\$ 45.00	\$ 20.00
2.	Second Cat in Household	55.00	30.00
3.	Third Cat in Household	65.00	40.00

Micro-chip (optional) \$ 15.00

Lost Dog or Cat License Tag replacement fee \$ 5.00

## SCHEDULE "B" TO BYLAW 18-2004

### Dog or Cat Pound Fees: (Pursuant to Section 7)

#### Impoundment

First Offence \$ 30.00 plus \$ 10.00 per day or part thereof

Subsequent Offenses within the same calendar year \$ 60.00 plus \$ 10.00 per day or part thereof

## SCHEDULE "C" TO BYLAW 18-2004

### PENALTIES FOR VOLUNTARY PAYMENT TO AVOID PROSECUTION REGARDING NON RESTRICTED ANIMALS

OFFENSE	PENALTY		
	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	Subsequent Offenses
1. Running at Large (Sec.4)	\$ 250.00	\$ 325.00	\$ 350.00
2. Unlicensed Animal (Sec. 3)	\$ 250.00	\$ 325.00	\$ 350.00
3. Animal Not Wearing License (Sec.3)	\$ 250.00	\$ 325.00	\$ 350.00
4. Dog/Cat Creating a Nuisance (Sec.10)	\$ 250.00	\$ 325.00	\$ 350.00
5. Failure to Remove Defecation (Sec.9)	\$ 250.00	\$ 325.00	\$ 350.00
6. Interference with Enforcement (Sec.7)	\$ 250.00	\$ 325.00	\$ 350.00
7. Exceeding limit of dogs/cats on property (Sec.5)	\$ 250.00 each animal over limit		
8. Exotic/Wild Animals (Sec.14)	\$ 250.00	\$ 325.00	\$ 350.00

**If fines are paid within 14 days of execution, a \$ 225.00 deduction will be applied.**

## **SCHEDULE “D” TO BYLAW 18-2004**

Being a list of animals the keeping of which is prohibited within the Town of Dundurn.

- all Arachnids dangerous to humans (such as scorpions and tarantulas, except tarantulas of the genera Aphonopelma, Avicularia and Grammostola)
- all Artiodactylus Ungulates, except domestic goats, sheep and cattle
- all Bats
- all Canids, except the domestic dog
- all Crocodylians (such as alligators, crocodiles and caimans)
- all Edentates (such as anteaters, sloths and armadillos)
- all Elephants
- all Felids, except the domestic cat
- all Hyaenas
- all Marsupials (such as kangaroos and opossums)
- all Mustelids (such as skunks, weasels, otters and badgers) except the domestic ferret
- all non-human Primates (such as gorillas and monkeys)
- all Perissodactylus Ungulates, including the domestic horse, mule and ass
- all Pinnipeds (such as seals, fur seals, and walruses)
- all Procyonids (such as raccoons, coatis and cacomistles)
- all Raptors, diurnal and nocturnal (such as eagles, hawks and owls)
- all Ratite Birds (such as ostriches, rheas, and cassowaries)
- all snakes of the families Pythonidae and Boidae
- all Ursids (bears)
- all venomous Reptiles and Amphibians
- all Viverrids (such as mongooses, civets and genets)

Examples of animals of a particular prohibited group are given in parentheses. They are examples only and shall not be construed as limiting the generality of the group.

**SCHEDULE "E" TO BYLAW 18-2004**

**TOWN OF DUNDURN**

**CAT TRAP PERMIT**

**COMPLAINANT:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**TERMS OF ISSUANCE OF TRAP:**

The complainant shall:

1. Personally check the trap each hour while the trap is set.
2. In the event a cat is trapped, immediately deliver the cat and trap into the custody of the Bylaw Enforcement Officer who may seize and impound the cat.
3. Traps must not be set on statutory holidays or weekends as the Town Office is closed.
4. The trap is to be returned to the Town Office three days after issuance, unless an extension has been granted.

***\*\*\*IT IS A CRIMINAL OFFENCE TO HARM ANY DOMESTIC ANIMAL\*\*\****

Address of intended location of trap: \_\_\_\_\_

Refundable Deposit of \$ 50.00 is required PAID by cash \_\_\_\_ PAID by cheque \_\_\_\_

Signature: \_\_\_\_\_

Name of Complainant: \_\_\_\_\_

Address of Complainant: \_\_\_\_\_

Phone Number of Complainant: \_\_\_\_\_

**TRAP RETURNED**

Date: \_\_\_\_\_

Deposit Refunded: Yes \_\_\_\_\_ No \_\_\_\_\_

Received by: \_\_\_\_\_

Remarks: \_\_\_\_\_