

Town of Birch Hills

Bylaw 04/12

A BYLAW TO LICENSE AND PROHIBIT ANIMALS IN THE TOWN OF BIRCH HILLS

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

1. SHORT TITLE

This bylaw may be known as the “Animal Control Bylaw”.

2. DEFINITIONS

For the purpose of this bylaw, the expression:

- a. **Administrator** – shall mean the administrator for the Town of Birch Hills.
- b. **Bylaw enforcement officer** – shall mean the person or persons appointed or contracted by the Council of the Town of Birch Hills for the purpose of enforcing the provisions of this bylaw.
- c. **Cat** – shall mean a male or female cat or male or female kitten over eight (8) weeks of age.
- d. **Council** – shall mean the Council of the Town of Birch Hills.
- e. **Dog** – shall mean a male or female dog or a male or female puppy over eight (8) weeks of age.
- f. **Dangerous dog** – shall mean
 - 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 with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise threaten the safety of persons or domestic animal;
 - iii. any dog which is owned primarily or in part for the purpose of dog fighting or is trained for fighting.
- g. **Municipality or Town** – shall mean the Town of Birch Hills.
- h. **Owner** – includes:
 - i. a person, persons, partnership, association or corporation who keeps, possesses, harbours or has care 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.
- i. **Pound** – shall mean such premises and facilities as may be designated by the Council of the Town of Birch Hills for the purpose of safely lodging and securing animals seized pursuant to this bylaw.
- j. **Poundkeeper** – shall mean the person appointed by the Town of Birch Hills to maintain and administer the pound.
- k. **Running at large** – shall mean when the dog or cat is beyond the boundaries of the land occupied by the owner, possessor, harbourer, or keeper of the said dog or cat, 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. on a leash or harness and in direct and continuous charge of a person competent to control it; or
 - ii. securely confined within an enclosure; or
 - iii. securely fastened so that it cannot roam at will.

3. REGISTERING

- a. Every owner of a dog or cat within the town shall cause each such dog or cat to be registered with the Town Office. At the time of registering, the applicant shall provide the Town Office a physical description of the dog or cat, the breed of the dog or cat, the name, address and telephone number of the owner of the dog or cat, as set out in the form designated Form "A" and attached hereto, and in the case of a dog, a rabies certificate valid for the registration year.
- b. The registration year for dogs and cats shall be from the first day of January to the thirty-first day of December of the same year.
- c. Every owner of a dog or cat shall, no later than February first in each year, register the said dog or cat at the Town Office, and failure to do so shall constitute an offence under this bylaw.
- d. In addition to the registration requirements laid out in Section 3(a)(b)(c), the owner of a dog or cat shall pay an annual registration fee as set out in Schedule "A" attached hereto.
- e. The sum payable for a registration fee required after the thirty-first day of July in a calendar year shall be calculated at fifty percent of the annual fee and shall expire on the thirty-first day of December in the same calendar year.
- f. Any dog or cat registration certificate or applicable fee issued pursuant to the provisions of this bylaw by the town shall not be transferable to any other dog or cat.
- g. Notwithstanding Section 3(d), a restricted dog which has been professionally trained to assist the physically challenged or those suffering from chronic, life-threatening diseases including, but not limited to, epilepsy, diabetes, blindness and wheelchair confinement, shall not be subject to a registration fee.
- h. The provisions of this section shall not apply to the dogs kept, in the ordinary course of business, by the proprietors of the following premises:
 - i. a veterinary hospital, clinic, boarding kennel or grooming parlour;
 - ii. a public pound;
 - iii. a shop whose business includes the sale of pets;
 - iv. a shelter operated by an association or society incorporated for the purpose of the protection and humane treatment of animals.
- i. A person residing in the town who owns, possesses, keeps or harbours a dog or cat and neglects or refuses to register or pay any applicable registration fee shall be subject to the penalties as outlined in Schedule "C" of this bylaw.

4. RUNNING AT LARGE

- a. The owner of a dog or cat shall not at any time allow the dog or cat to run at large within the town.
- b. 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 provisions of this section.
- c. Where a dog or cat is found to be running at large, the owner or occupant of that property on which the dog or cat is running at large may make a written complaint to the bylaw enforcement officer.

5. LIMITS – DOGS AND CATS

- a. No person within the town shall harbour or keep more than three (3) dogs on any one property. If an owner fails or refuses to comply with the provisions of this section, he or she shall be subject to the penalties as set out in Schedule "C" attached hereto.
- b. No person within the town shall harbour or keep more than three (3) cats on any one property. If an owner fails or refuses to comply with the provisions of this section, he or she shall be subject to the penalties as set out in Schedule "C" attached hereto.

6. SEIZURE AND IMPOUNDING

- a. A bylaw enforcement officer or peace officer may seize and impound any dog or cat observed to be at large.
- b. A bylaw enforcement officer or peace officer may enter onto land surrounding any building in pursuit of any dog or cat which has been observed to be at large.
- c. The bylaw enforcement officer is hereby authorized to seize and capture, by any humane method, 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 this bylaw to the Town Yards.
- e. Any person may be issued a cat trap upon execution of an agreement as set out in designated Form "B", and such person shall abide by the terms of the cat trap permit agreement.
- f. 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 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 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 bylaw enforcement officer.

7. POUND

- a. The council shall endeavour to appoint a poundkeeper.
- b. All dogs and cats impounded in the pound 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 the amount set forth in Schedule "B" to this bylaw.
- c. No 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 until it has been registered.
- d. When a dog or cat has been impounded, the Town Office shall immediately attempt to contact the owner as shown in the records made when the dog or cat was registered at the address shown therein, that unless the said dog or cat is claimed and the fees as provided for in this bylaw are paid within 72 hours from the date of the impounding, the said dog or cat shall be dealt with pursuant to the provisions of the bylaw.
- e. All impounded dogs or cats which are not claimed within 72 hours as aforesaid, may be sold by the Town Office to any person paying for such dog or cat, a sum of not less than \$35.00 for the use of the Town pound and the cost of registering as provided for by this bylaw. In the event any dog or cat is not sold after 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 poundkeeper to provide each dog or cat impounded under the authority of this bylaw an adequate supply of food and fresh water and proper shelter during its confinement in the pound on a daily basis.
- g. Any dog or cat found in any public street, lane, park, boulevard or other public place or otherwise running at large contrary to the provisions of this bylaw, the bylaw enforcement officer or peace officer may seize and impound by any humane method.

8. LITTER – DOGS AND CATS

- a. If a dog or cat defecates on any public or private property other than the property of the owner, possessor or harbourer of the said dog or cat, the owner, possessor or harbourer of the dog or cat shall cause such defecation to be

removed immediately and disposed of in a sanitary fashion. Failure to cause such removal shall be an infraction of this bylaw.

- b. Defecations 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 on a weekly basis.

9. NUISANCE

- a. The owner, possessor or harbourer 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 harbourer who contravenes this section commits an offence under this bylaw.
- b. The owner, possessor or harbourer of a cat shall not allow the animal to create a nuisance to any person by howling, hissing or otherwise damaging or interfering with any property other than the property of the owner, possessor, or harbourer. Any owner, possessor or harbourer who contravenes this section commits an offence under this bylaw.
- c. Where a dog or cat is found to be creating a nuisance, the owner or occupant of that property on which the dog or cat is creating a nuisance may make a written complaint to the bylaw enforcement officer.

10. RABIES AND OTHER DISEASES

- a. Any dog or cat suspected of having rabies shall not be killed but shall be secured and isolated for ten (10) days and the matter immediately reported to a veterinary clinic 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 veterinary clinic shall be guilty of an infraction of this bylaw.

11. DANGEROUS DOGS

- a. Where a complaint is received by the Town Officer that a dog within the town is dangerous, Section 375 of *The Municipalities Act*, shall apply.

12. LIVESTOCK AND POULTRY

- a. For purposes of this section, the following definitions shall apply:
 - i. **Livestock** – shall mean any domestic animal usually raised for sale and profit, including but not necessarily limited to:
 1. an animal as defined in Section 2(b) of *The Stray Animals Act*; or
 2. an animal as defined in Sections 2 and 3 of *The Stray Animals Regulations, 1999*.
 - ii. **Poultry** – shall mean:
 1. 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
 2. pigeons of the species *Columba livia*, commonly known as the domestic pigeon, and includes pigeons raised for the purpose of racing, show, table and pets and includes feral pigeons.
- b. No person shall possess, harbour, confine, herd, ride, walk or graze or allow to graze any livestock or poultry within the limits of the town.
- c. Section 14(b) shall not apply to livestock and poultry brought into town for the duration of a council authorized special event at which the said livestock and poultry will be used for purposes of exhibition or performing at a special event.

13. GENERAL PENALTY

- a. A person who contravenes any provision of this bylaw or neglects or refuses to comply therewith shall be guilty of an offence and liable upon summary conviction to a fine of not less than \$50.00 and not more than \$2,000.00.

14. PENALTY

- a. Where any person has committed or alleged to have committed a breach of any of the provisions of this bylaw, a Notice of Violation may be served on such person by the bylaw enforcement officer.
- b. A person to whom a ticket is being issued pursuant to this section shall furnish the bylaw enforcement officer with his or her name and address upon request.
- c. Notwithstanding Section 14, a person who contravenes any provision of this bylaw, upon being served with a ticket, may voluntarily pay the prescribed penalty as set forth in Schedule "C" to this bylaw.
- d. If the Town receives voluntary payment of the prescribed penalty within seven (7) days from the date the ticket was issued, the person receiving the ticket shall not be liable for prosecution for the offence.
- e. If the person who has committed or is alleged to have committed a breach of any section of this bylaw fails to pay the specified fine within the time allowed following service of the ticket, the provisions of this section no longer apply and the person shall be liable to prosecution for the offence.

15. 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.

16. REPEAL

Bylaws 02/00, 03/04 and 04/08 are hereby repealed.

Mayor

Administrator

Read a third time and adopted
this 25th day of July 2012.

Administrator

SCHEDULE "A"
BYLAW 04/12

Annual Registration Fee

Section 3(d)

Dogs.....	\$10.00
Cats.....	\$10.00

SCHEDULE "B"
BYLAW 04/12

Dog or Cat Pound Fees

Section 7(b)

Impoundment:

First offence	\$75.00 plus \$5.00 per day or part thereof
Subsequent offences	\$150.00 plus \$5.00 per day or part thereof (within 12 months)

SCHEDULE "C"
BYLAW 04/12

PENALTIES - NON-RESTRICTED DOGS
- CATS

Section	Offence	First Offence	Subsequent Offences
<i>If paid within 7 days of issue of the notice of violation:</i>			
3(c)	Failure to register	\$20.00	\$40.00
4(b)	Running at large	\$25.00	\$50.00
5	Exceeding limits on any one property (for each animal exceeding limits)	\$25.00	\$50.00
8	Failure to sterilize cat	\$25.00	\$50.00
9	Failure to remove defecation	\$25.00	\$50.00
10(a)	Nuisance dogs	\$25.00	\$50.00
10(b)	Nuisance cats	\$25.00	\$50.00
	Falsifying breed of dog when registering	\$50.00	\$100.00
<i>If paid after 7 days of the date of issue of the notice of violation:</i>			
	All offences as listed above	\$150.00	\$300.00

FORM "A"
Bylaw 04/12
Section 3(a)

DOG and CAT
REGISTRATION FORM

Name of Owner: _____

Address (mailing): _____

(civic) _____

Phone Number _____

DOG or **CAT** (Circle One)

Tag # _____

Breed of dog or cat: _____

Physical description: _____

Rabies certificate provided (for dogs only) **Yes / No** **(attached copy)**

FORM "B"
Bylaw 04/12

ANIMAL TRAP

RENTAL AGREEMENT

CAT TRAP PERMIT

Date: _____

The undersigned agrees to the following terms and conditions:

- to pay a refundable deposit fee of \$25.00
- to place the trap only on his or her property which is within the Town of Birch Hills
- to personally check the cat trap each hour while the trap is set;
- In the event a cat is trapped, to contact the Animal Control Officer or the town office for pick up of cat. A captured cat should be left in the trap and placed in a shed, garage, basement or other place that is warm, dry and secure with a blanket placed over the trap to pacify the animal. Do not attempt to remove an unfamiliar cat from the trap – this will be done by the Animal Control Officer, If the undersigned cannot comply with this condition, the trapped cat must be freed unharmed;
- to ensure that no harm comes to any trapped cat while in their possession including exposure to inclement weather;
- cat traps are not to be used when the temperature falls below 0 degrees Celsius or rises above 25 degrees Celsius;
- an Animal Control Officer may enter the property of the undersigned to ensure the trap is being used properly;
- to advise the Animal Control Officer or the Pound Keeper of the ownership of any cat trapped; if known;
- to be responsible for the trap, including the cost of repair or replacement if damaged, lost or stolen. The trap is to be returned in a good and clean condition;
- traps must not be set by town residents on statutory holidays or on week-ends as the office is closed;
- the trap is to be returned to the town office two days after issuance.

IT IS A CRIMINAL OFFENCE TO HARM ANY DOMESTIC ANIMAL

Address of intended location of trap: _____

I understand and accept all liability which may arise in connection with the use of this cat trap while it is in my possession and will save and indemnify the Town of Birch Hills for all such liability.

Signature _____ TRAP RETURNED

Name of Complainant _____ Date: _____

Address of Complainant _____ Received by: _____

Remarks: _____