

BYLAW 6/2017

A BYLAW TO REGULATE ANIMALS

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

PART I – TITLE & PURPOSE

1. This bylaw shall be cited as “The Animal Control Bylaw”.
2. The purpose of this Bylaw is:
 - 2.1. To control and regulate cats and dogs;
 - 2.2. To control and regulate other animals including exotic and wild animals

PART II – DEFINITIONS

3. In this Bylaw:

- “**Animal Warden**” or “**Bylaw Enforcement Officer**” is any corporation, person or persons engaged by or appointed by the Town of Willow Bunch for the purposes of checking for licenses, capturing and impounding animals under the provisions of this bylaw;
- “**at large**” means if the animal is off the premises of its owner, and where it is not under control by being:
 - i) in direct and continuous charge of a person competent to control it;
 - ii) securely confined in an enclosure
 - iii) securely fastened so that it cannot roam at will
- “**Bee**” means any of certain insects which store up the pollen of flowers for food or that makes honey and wax;
- “**CAO**” is the person appointed as the Chief Administrative Officer for the Town of Willow Bunch or his/her duly authorized representative or designate;
- “**Cat**” is every cat of either sex or neutered;
- “**Dog**” is every dog of either sex or neutered;
- “**Dog Run**” shall mean a permanent structure outside of a residential dwelling unit, used for the containment of a dog.
- “**Judge**” shall mean a provincial court judge or a justice of the peace.
- “**Municipality**” shall mean the Town of Willow Bunch;
- “**Owner**” includes:
A person owns or who has possession of, or control over, an animal; and the person responsible for the custody of a minor where the minor is the owner of the animal.
- “**Poundkeeper**” means a person, corporation, society or organization as may from time to time be appointed by the municipality for the purpose of retaining impounded animals pursuant to this Bylaw;
- “**Public Playground**” means the area containing playground equipment in any park or Municipal Reserve owned by the Town or under the management and control of the Town;
- “**MJHS**” means the Moose Jaw Humane Society.

PART III – GENERAL

4. DOGS BARKING OR HOWLING

- 4.1. No person who owns or keeps a dog or allows it to stay in the owner’s premises shall allow such dog to bark excessively or howl excessively;
- 4.2. Any person who allows a dog to bark or howl excessively shall be deemed guilty of an infraction of this bylaw;
- 4.3. Any person who hears a dog barking or howling excessively and can positively identify the animal, can file a written complaint at the Town Office. Written complaints must include information as set out in Form 1 attached to this bylaw;
- 4.4. The municipality may issue a written order if there is anything in the physical environment that the dog is being kept in that can be remedied that would prevent said dog from barking or howling;
- 4.5. The municipality may apply to a judge to have a dog that barks or howls excessively, at the owner’s expense, muzzled, fitted with a collar or device that deters barking or permanently removed from the municipality; and,
- 4.6. The municipality may issue a written infraction notice, in the appropriate Municipal form, under this or the Municipal Noise Bylaw.

5. RUNNING AT LARGE AND PROHIBITED AREAS

- 5.1. No animal shall run at large in the municipality;
- 5.2. If an animal is found to be running at large the owner shall be deemed to have permitted the animal to be at large unless the owner proves to the satisfaction of the court that at the time of the offence the owner did all that was reasonable to prevent the animal from being at large;
- 5.3. Any person who sees an animal running at large, and can positively identify the animal, can file a written complaint at the Town Office. Written complaints must include information as set

- out in Form 1, Notice of Violation, as attached to this bylaw;
- 5.4. The Animal Warden/Bylaw Enforcement Officer or any other person designated by the municipality will attempt to capture any animals found running at large and place them in the municipal pound; and,
- 5.5. Any animal found running at large that attacks or bites a person shall be dealt with under the Dangerous Dogs Act, at the owner's expense;
- 6.5.1. Destroyed in accordance with any order or recommendation by a medical health officer;
- or 6.5.2. Permanently removed from the municipality.

6. PROHIBITED ANIMALS

- 6.1. No person shall own or harbour any animal, or hybrid of any animal, of the kind listed in Schedule "B" for any purpose.

7. DANGEROUS ANIMALS

Control of dangerous dogs in Saskatchewan is governed by provincial legislation and all owners must comply with this statute or any orders under this statute.

8. OWNING and HARBOURING OF DOGS

- 8.1. Where an owner possesses a dog that displays outward signs of aggression such as threatening, barking, growling, snapping, lunging, frothing at the mouth, etc., such owner shall ensure that the dog is properly restrained or contained whether it is on or off its own property; and,
- 8.2. Where a dog displays aggressive behavior as described in subsection 9.1, the owner shall ensure that proper precautions have been taken to prevent the dog from escaping from its harboured property and that children of tender age cannot gain access to the property or the dog;
- 8.3. Where a municipality believes an owner has not taken the necessary precautions to contain an aggressive dog as required in subsection 9.2, the municipality may issue a written order requiring the owner of the property to remedy any lack of physical containment as identified by the municipality;
- 8.4. An order written under subsection 9.3 is not limited to the following but may contain any or all of the following requirements:
- 8.4.1. Repair or construction of a property line fence;
- 8.4.2. Repair or construction of a dog run;
- 8.4.3. Physically moving the dog run or containment area of the dog from one area of the property to a more suitable area on the property;
- 8.4.4. Locking of perimeter fences or dog runs; and
- 8.4.5. Posting warning signs on the perimeter of the property advising the public of the presence of a dog of an aggressive nature.

9. LITTER CLEAN UP

- 9.1. If an animal defecates on any public or private property other than property belonging to the owner of the pet, the owner of the cat or dog shall remove the defecation immediately.
- 9.2. Any person who owns, possesses, or harbours an animal and fails to remove the defecation as set out in Subsection 10.1 shall be deemed guilty of an infraction of this bylaw;
- 9.3. This section does not apply to a person who owns and is physically reliant on a guide dog trained and used to assist such person

10. ACCUMULATION OF ANIMAL FECES

- 10.1. An owner or occupant of private property must not allow animal feces to accumulate on the property so as to create a health hazard.
- 10.2. Any person who owns, possesses, or harbours an animal and fails to clean up as set out in Subsection 11.1 shall be deemed guilty of an infraction of this bylaw;
- 10.3. The Animal Warden or Bylaw Enforcement may serve an owner or occupant of private property with a written order to remove all animal feces from the property within seventy-two (72) hours of service of notice.
- 10.4. The municipality may remove the feces from the property if:
- 10.4.1. The person to whom the notice is made fails to remove the feces within seventy-two (72) hours; or
- 10.4.2. After reasonable inquiry, the whereabouts of the owner or occupant of the property cannot be determined.

11. ORDERS TO REMEDY CONTRAVENTIONS

- 11.1. Inspections to determine if a written order should be issued under this Bylaw shall be carried out in accordance with the Municipalities Act.
- 11.2. Orders given under this Bylaw shall comply with the Municipalities Act.
- 11.3. Orders given under this Bylaw shall be served in accordance with the Municipalities Act.
- 11.4. A person may appeal an order given under this Bylaw in accordance with the procedure set forth in the Municipalities Act.

- 11.5. The municipality may, in accordance with the Municipalities Act, take whatever actions or measures necessary to ensure that an order given under this Bylaw is fully complied with.
- 11.6. In an emergency, the municipality may take whatever actions or measures are necessary to eliminate the emergency in accordance with the Municipalities Act.
- 11.7. Any unpaid expenses and costs incurred by the municipality that an order given under this Bylaw is fully complied with may be recovered either:
- 11.7.1. By civil action for debt in a court of competent jurisdiction in accordance with the Municipalities Act; or,
 - 11.7.2. By adding the amount to the taxes on the property on which the work is done in accordance with the Municipalities Act.

12. POUND/POUND FEES

- 12.1. The Animal Warden may take any animal found running at large, contrary to the provisions of this bylaw, to the municipal pound where it shall be kept for Seventy Two (72) hours unless the owner, possessor, or harbourer redeems the animal by paying to the Town:
- 12.1.1. The applicable pound fee as set out in Schedule "A" for the care and keep of each animal; and,
 - 12.1.2. All related fines assessed against the animal; and,
 - 12.1.3. In the case of a dog over the age of six months being impounded, a dog license fee if one has not yet been purchased.
- 12.2.4 The municipality may, in its sole discretion, destroy, find a suitable home for or turn over to the MJHS any animal which has not been redeemed within seventy two (72) hours. The CAO or Bylaw Enforcement Officer may turn an animal over to the MJHS before this period expires if it is determined that the municipality cannot sufficiently provide for the animal's well-being or security.

13. VIOLATIONS

- 13.1. Except as otherwise provided in this bylaw, every person who contravenes any of the Provisions of this bylaw is guilty of an offense and liable on summary conviction: Any person convicted of breach of the provisions of this Bylaw, and where no other penalty is provided for, shall forfeit and pay, at the discretion of the convicting Provincial Magistrate or Justice of the Peace having jurisdiction in the Town of Willow Bunch, a penalty of not less than Fifty Dollars (\$50.00) and not exceeding Five Hundred Dollars (\$500.00) exclusive of costs.
- 13.2. A violator of this Bylaw, upon being served with a Notice of Violation, may during the office hours, voluntarily pay the penalty at the Municipal Office, and upon payments as so provided, that person shall not be liable to prosecution of the offence.
- 13.3. The Notice of Violation shall be in Form "1" attached to and forming part of this Bylaw.

14. SEVERABILITY

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.

PART IV – REPEAL OF PREVIOUS BYLAWS

15. REPEAL, AMEND, AND COMING INTO FORCE AND EFFECT

- 15.1. Bylaws 1/2015 and No 10 of the Town of Willow Bunch is hereby repealed.
- 15.2. This bylaw shall come into force and effect upon third reading and adoption by Council. Read three times and adopted this 5th day of September, 2017.





Mayor



Administrator

SCHEDULE "A"

POUND FEES

A. IF HOUSED BY THE MUNICIPALITY ONLY

- a. DOGS - \$40.00 per dog plus \$10.00 per day with a minimum fee of \$50.
- b. CATS - \$40.00 per cat plus \$10.00 per day with a minimum fee of \$50.
- c. ANIMALS OTHER THAN DOGS OR CATS - \$40.00 per animal plus \$10 per day with a minimum fee of \$50.

B. IF HOUSED BY THE MJHS

All municipal pound fees shall apply in addition to any fees charged by the MJHS.

SCHEDULE "B"

PROHIBITED ANIMALS

The following is a list of animals the keeping of which is prohibited within the Town of Willow Bunch:

- i all animals being reared for the bearing of fur or food;
- ii all animals whose normal habitation is outside of urban centers (such as fox, deer)
- iii all Arachnids dangerous to humans (such as scorpions and tarantulas, except tarantulas of the genera Aphonopelma, Avicularia and Grammostola);
- iv all Artiodactylus Ungulates (such as goats, sheep, cattle, pigs and llamas);
- v all Bats;
- vi all Bees;
- vii all Canids, except the domestic dog;
- viii wild fowl or poultry (unless specifically approved by Council);
- ix all Crocodylians (such as alligators, crocodiles and caimans);
- x all Edentates (such as anteaters, sloths and armadillos);
- xi all Elephants;
- xii all Felids, except the domestic cat;
- xiii all Horses;
- xiv all Hyenas;
- xv all Insects being raised for the purpose of profit or gain;
- xvi all Livestock;
- xvii all Marsupials (such as kangaroos and opossums);
- xviii all Mustelids (such as skunks, weasels, otters and badgers) except the domestic ferret;
- xix all non-human Primates (such as gorillas and monkeys);
- xx all Perissodactylus Ungulates (such as horses, donkeys, mules and asses);
- xxi all Pigeons (unless specifically approved by Council);
- xxii all Pinnipeds (such as seals, fur seals and walruses);
- xxiii all Procyonids (such as raccoons, coatis and cacomistles);
- xxiv all Raptors, diurnal and nocturnal (such as eagles, hawks and owls);
- xxv all Ratite Birds (such as ostriches, rheas, and cassowaries);
- xxvi all Galliformes (such as chickens, turkeys, grouse, quails and pheasants);
- xxvii all Anseriformes (such as ducks and geese);
- xxviii all snakes of the families Pythonidae and Boidae;
- xxix all Ursids (bears);
- xxx all venomous Reptiles and Amphibians;
- xxxi all Viverrids (such as mongooses, civets and genets)

SCHEDULE "C"

DESCRIPTION OF OFFENCE

Excessive Barking or Howling

(Section 4)

1st	\$100
2nd	\$200
SUBSEQUENT	\$500

Running at Large

(Section 5)

1st	\$100
2nd	\$200
SUBSEQUENT	\$500

Neglects or Refuses to Clean Up Defecation

(Sections 9 & 10)

1st	\$100
2nd	\$200
SUBSEQUENT	\$500

Failure to obey order of Animal Warden or Bylaw Enforcement

1st	\$100
2nd	\$200
SUBSEQUENT	\$500

**DOG CONTROL BYLAW
NOTICE OF VIOLATION**
TOWN OF WILLOW BUNCH

NAME: _____

ADDRESS: _____

DETAILS OF OFFENCE:

Date: _____ Time: _____ a.m./p.m.

VIOLATION AS PER SECTION _____ of BYLAW:

DESCRIPTION OF ANIMAL:

LOCATION OF VIOLATION:

You are charged with violation of Bylaw 6/2017

Penalty for above violation: _____

You may make voluntary payment of the above at the municipal office of the Town of Willow Bunch during regular office hours or by mail within 48 hours from the date of service of this Notice of Violation.