

TOWN OF ITUNA

BYLAW NO. 13-2006

A BYLAW OF THE TOWN OF ITUNA TO PROVIDE FOR THE LICENSING, PROHIBITING, REGULATING AND CONTROLLING OF ANIMALS AND THE BEING AT LARGE OF ANIMALS WITHIN THE TOWN OF ITUNA

COUNCIL of the Town of Ituna, in the Province of Saskatchewan, enacts as follows:

TITLE AND PURPOSE:

1. This Bylaw shall be known as "The Animal Control Bylaw".
2. The purpose of this Bylaw is to promote the safety, health and welfare of people and the protection of people and property in the Town of Ituna, to ensure the humane treatment and control of animals and to regulate and prohibit the keeping of dangerous animals and certain animals.

DEFINITIONS:

3. In this Bylaw, the following definitions apply:
 - (a) Administrator – means the Administrator of the Town of Ituna or an employee of the Town designated by the Administrator to act on behalf of the Town;
 - (b) Animal Control Officer – means the Pound keeper, any person appointed by Council for the purpose of bylaw enforcement, any member of the Royal Canadian Mounted Police and any other person or agency appointed by Council to restrain, receive or impound dogs and cats;
 - (c) Cat – means a male or female cat or a male or female kitten over eight (8) weeks of age;
 - (d) Council – means the Council of the Town of Ituna;
 - (e) Dog – means and includes every dog of either sex and shall include pups over eight (8) weeks of age not spayed or neutered and any female dog that has been spayed and any male dog that has been neutered;
 - (f) Judge – means a judge of the Provincial Court of Saskatchewan, who is authorized to carry out the "Dangerous Dog" provisions of *The Municipalities Act* and amendments thereto;
 - (g) Livestock – means cattle, horses, mules, asses, sheep, goats, or swine;
 - (h) Owner – includes:
 - i) a person who keeps, possess or harbours a dog or cat, other animal or poultry;
 - ii) the person responsible for the custody of a minor where the minor is the owner of a dog, cat, other animal or poultry;
 - iii) a veterinarian registered in accordance with *The Veterinarians Act, 1987*, and amendments thereto, who is keeping or harbouring a dog, cat, other animal or poultry, for the prevention, diagnosis or treatment of a disease or injury; and
 - iv) the Town of Ituna, its agents and employees, the Saskatchewan Society for the Prevention of Cruelty to Animals, a local society for the prevention of cruelty to animals or a humane society operation pursuant to the provisions of *The Animal Protection Act*, and amendments thereto with respect to an animal shelter or impoundment facility operated by any of them;

- (i) Poultry – means a chicken, turkey, duck, goose, or other domestic fowl.
- (j) Provocation – means an act done intentionally for the purpose of provoking a dog, cat or other animal;
- (k) Pound – means the premises designated by the Town as the impoundment facility;
- (l) Pound keeper – means a person designated and appointed by Council or the Administrator to maintain a suitable accommodation (pound) for the keeping of impounded animals;
- (m) Prohibited Dog – means:
 - i) a Rottweiler;
 - ii) a Pit Bull Terrier; or
 - iii) an American Pit Bull Terrier; or
 - iv) a Pit Bull; or
 - v) any dog of mixed breeding, identified as a dog of a partial mix of any of the above indicated breeds or kinds;
- (n) Running at Large – means a dog or cat which is off the premises of its owner and is not on a leash; and
- (o) Town – means the Town of Ituna, Saskatchewan.

LICENSING:

4. Every person who owns, possess or harbours a dog or cat within the Town limits shall register and obtain a licence for the said dog or cat from the Town Office, on or before December 31st of each year for the year following, or immediately after the date of possession, and shall pay an annual fee as set out in Schedule “A” of this Bylaw, which licence shall not be transferable to any other dog or other owner. The onus of proof as to the date when the owner actually became the owner of the dog in question shall be on the owner.
5. The licence shall be in effect from January 1 to December 31 of a calendar year.
6. A dog owned by a sightless person or used as a guide, or “Seeing Eye” dog shall be licensed as provided by this Bylaw, but without charge.
7. The Administrator is authorized to register, record the registration and issue licenses in conformity with this Bylaw.
8. When applying for a licence, the applicant must furnish a description of the dog or cat, including sex, colour, breed of the dog or cat, the name and address of the owner or keeper of the dog or cat, a certificate from a veterinary surgeon if the dog or cat has been neutered or spayed, and whether the dog or cat has been vaccinated against rabies within two (2) years of the date of the application for the licence and any other relevant information which may be required by the Town.
9. The Town shall furnish a licence tag showing the words “Ituna”, licence number and year to the owner of the dog or cat or applicant.
10. Every owner shall cause his/her dog or cat to wear a collar around its neck with the licence tag attached thereto and no owner shall remove its collar or tag
11. The owner of any dog or cat within the Town shall, on demand of the Administrator or Animal Control Officer, show his/her licence receipt or other evidence that he/she has paid the licence fee provided in this Bylaw for the current year.

12. The licensing provisions of this bylaw shall not apply to dogs kept in the ordinary course of business by the proprietors of the following premises, namely:
 - a. a veterinary hospital, clinic, or boarding kennel, or grooming parlour;
 - b. a public pound;
 - c. a shop whose business includes the sale of pets and is licensed as such;
 - d. a shelter operated by an association or society incorporated for the purpose of the protection and humane treatment of animals; and
 - e. RCMP – Police Service dogs acting in performance of Police work.
13. No person shall be entitled to a licence rebate under this bylaw.
14. When a licence required pursuant to this section has been paid for by an uncertified cheque, the licence is automatically revoked if the cheque is not accepted and cashed by the bank on which it is issued.

CONTROL OF DOGS AND CATS:

15. The Town is authorized to appoint an Animal Control Officer to apprehend, restrain and impound any dog or cat running at large in the Town, to issue violation notices and to carry out additional enforcement duties of this Bylaw.
 16. (a) No owner of a dog or cat shall permit his dog or cat to be running at large at any time in the Town.
 (b) 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.
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17. No person shall keep, possess or harbour more than four dogs and/or cats in one building or residence.
 18. No owner shall permit any dog or cat to be outside the boundary of any premises or lands occupied by the owner unless:
 - (a) the dog or cat is kept in an enclosure which confines the dog or cat
 - (b) the dog or cat is fitted with a collar or a harness for the body that is properly placed and fitted on the dog or cat and the movement of the dog or cat is controlled by a person by means of a leash attached to the collar or harness on the dog or cat and constructed of a material having a tensile strength of at least two times the weight of the dog or cat.
 19. The owner of a dog or cat shall ensure that such dog or cat shall not:
 - (a) upset any waste receptacles or scatter the contents thereof either in or about a street, lane, or other public property, or in or about premises not belonging to or in the possession of the owner of the dog or cat;
 - (b) be left unattended in any motor vehicle unless the dog or cat is restricted so as to prevent access to a person or persons as long as such restraint provides for suitable ventilation.
 20. No owner shall permit a dog or cat to create a noise or disturbance by barking, howling, chasing a person or animal or vehicle or in any other way causing an interference with the lawful use and enjoyment of public or private property by any other person.
 21. No owner shall allow any dog or cat, without provocation, to bite, inflict injury, assault or otherwise attack a person or domestic animal.
 22. Every owner of a female cat or dog in heat shall confine such cat or dog to a house or kennel and shall not suffer or permit such cat or dog to run or be at large.

23. No owner of any cat or dog shall permit the same to defecate on any public or private property other than the property of its owner; the owner of the dog or cat shall cause such defecation to be removed immediately and disposed of in a sanitary fashion.
24. Section 23 shall not apply to a person who owns and is physically reliant on a guide dog trained and used to assist such person.
25. An owner or occupant of private property must not allow animal feces to accumulate on the property as to create a health hazard.
26. The Animal Control Officer or Administrator may personally 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.
27. If a notice under Section 26 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.
28. A notice served by registered mail is deemed to have been received on the second day following the date of mailing.
29. The Town may remove the feces from the property if:
 - (a) the person to whom the request is made fails to remove the feces within seventy-two (72) hours, or
 - (b) after reasonable inquiry, the whereabouts of the owner or occupant of the property can not be determined.
30. If the Town carries out the work under Section 29, the costs and expenses incurred are a debt due to the Town and the Town may recover the costs and expenses:
 - (a) by action in a court of competent jurisdiction;
 - (b) in the same manner as municipal taxes; or
 - (c) by adding the costs and expenses to, and thereby they form part of, the taxes on the land on which the work was done.

IMPOUNDMENT OF CATS AND DOGS:

31.
 - (a) A dog or cat may be seized and impounded if the animal is at large.
 - (b) An Animal Control Officer or peace officer may enter onto the land surrounding any building in pursuit of any cat or dog which is found at large.
32. No person, including the person who is the owner of a cat or dog which is being impounded or has been impounded, shall interfere with an Animal Control Officer or peace officer who is impounding any cat or dog in accordance with the provisions of this Bylaw.
33. The Animal Control Officer, or any person authorized by the Council, is hereby authorized to seize and capture, by methods authorized by Council, and impound any cat or dog running at large contrary to the provisions of this Bylaw; or where the owners, possessors or harbourers thereof have not complied with the provisions of this Bylaw.
34. No unlicensed cat or dog which is impounded shall be released to its owner until a licence has been purchased and impound fees have been paid.

35. When any cat or dog not wearing the said licence tag provided for in the Bylaw is impounded, the Animal Control Officer shall immediately post a notice in the Town Office, giving a description of such dog or cat, the date and time when it was impounded, the date and the hour when it will be sold or destroyed; such notice shall be posted at least seventy-two (72) hours before the said sale or destruction takes place.
36. Whenever any cat or dog with a collar and licence tag is impounded, the Animal Control Officer shall forthwith deliver or cause to be delivered, to or to 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 cat or dog is redeemed and the fees provided in this Bylaw are paid within seventy-two (72) hours from the time of delivery or mailing of the said notice, the said cat or dog may be sold or destroyed as provided herein. Statutory holidays shall not be included in the computation of the seventy-two (72) hour period.
37. In the event that the animal in question can not be caught by the Animal Control Officer, he is authorized to take a photograph of the animal and, upon establishing the owner of the animal, a fine will be levied against the owner. The same fine structure will apply to picture fines as other fines.
38. Upon receipt of a fully completed and signed complaint that a cat or dog was "running at large" and in addition being a "public nuisance", the Town Administrator shall notify the offender by registered mail that a complaint has been received and that, in the event of failure to pay the appropriate voluntary fine relevant to the infraction within seven (7) days of the receipt of the notice, the Town Administrator shall take the steps necessary to prosecute the owner, possessor or harbourer. The complaint shall be in the form attached hereto and marked as Schedule "C" and forming part of this bylaw.

POUND:

39. For the purpose of impounding dogs and cats, a Pound shall be established at such place or places as may be designated by the Council from time to time.
40. No person shall break open or assist in breaking open any Pound in which a cat or dog may be impounded, or hinder or delay or obstruct any person in the performance of his/her duties hereunder.

POUND KEEPER:

41. (a) During the period of impounding of any cat or dog, it shall be the duty of the Pound Keeper to supply such dog or cat with adequate food, water and heated shelter as necessary.
- (b) When the owner, possessor or harbourer of a cat or dog impounded produces within seventy-two (72) hours of service, or posting of the notice as required by Section 35, or before such cat or dog is sold or destroyed, satisfactory evidence that he has complied with the provisions of this Bylaw with respect to the payment of such impounding fees as are provided respect of such cat or dog, he/she shall be entitled to remove such cat or dog.
- (c) In case a cat or dog is impounded and is not claimed within seventy-two (72) hours as set out in subsection (b) hereof, the cat or dog may be disposed of without further notice in the following manner:
 - i) it may be sold by the town;
 - ii) it may be taken to the nearest S.P.C.A. or
 - iii) it may be disposed of by euthanasia.

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RABIES:

42. (a) When a cat or dog has bitten a person and/or is suspected of being rabid, or has been in contact with a rabid animal, the Director and Medical Health Officer and a Veterinarian of the Health and Animals Branch, Canada Department of Agriculture, shall be notified immediately. Where a Veterinarian of the Health of Animals Branch is not available, the report shall be made to the local Veterinarian or a Peace Officer.
- (b) A Medical Health Officer or licensed Veterinarian or Officer of the R.C.M.P., having cognisance that a cat or dog is dangerous or might have been exposed to rabies, may order that the person owning, harbouring or having in his possession such a cat or dog, whether vaccinated or not against rabies, shall keep it under confinement at a place acceptable to the Veterinarian of the Health of Animals Branch, Canada Department of Agriculture, for a period of at least two (2) weeks, or until such time as the suspicion of rabies has been confirmed or refuted.
- (c) Where, in the opinion of the Medical Health Officer and the District Veterinarian, Health of Animals Branch, Canada Department of Agriculture, rabies infection has reached proportions where mass vaccination is indicated, every person who owns or harbours or has in his possession within the Town any cat or dog susceptible to rabies, shall cause such cat or dog to be inoculated against rabies.
- (d) A certificate issued by a qualified Veterinarian to the effect that a cat or dog has been inoculated against rabies shall be prima facie evidence that such animal has been inoculated.

LIVESTOCK AND POULTRY:

43. It is unlawful to keep livestock, poultry and/or bees within the boundaries of the Town except:
- (a) on the premises of a recognized industry in the business of handling livestock; or
- (b) upon receiving written approval from the Animal Control Officer for periods not to exceed 24 hours

PROHIBITED DOGS:

44. (a) It is unlawful to keep prohibited dogs within the boundaries of the Town.
- (b) Any person currently living in the Town who, on or before the date of the coming into force of this Bylaw, is the owner of a dog that is identified as a Prohibited Dog is permitted to keep the dog until it dies.
- (c) Any person moving into the Town after the date of this bylaw coming into force is not allowed to possess or harbour any dog identified as a Prohibited Dog.

EXOTIC AND WILD ANIMALS:

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

DANGEROUS ANIMALS:

46. (a) An animal is dangerous when it is proved that:
- i) the animal, without provocation, in a vicious or menacing manner, chased or approached a person or domestic animal in an apparent attitude of attack;
 - ii) the animal has a known propensity, tendency or disposition to attack without provocation, to cause injury, or to otherwise threaten the safety of persons or domestic animals;
 - iii) the animal has, without provocation, bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal; or
 - iv) the animal is owned primarily for the purpose of fighting or is trained for fighting.
- (b) For the purpose of this section, an animal is presumed not to have been provoked in the absence of evidence to the contrary.
- (c) No animal shall be declared dangerous because of an action described in clause (a)i, ii or iii that occurred while the animal was:
- i) acting in the performance of police work; or
 - ii) working as a guard dog on commercial property while:
 - a. securely enclosed on the property by a fence or other barrier sufficient to prevent the escape of the animal and the entry of children of tender years; and
 - b. defending that property against a person who was committing an offence.
47. All procedures outlined in *The Municipalities Act* in Sections 374 to 380, inclusive, shall be followed in dealing with animals identified as “dangerous animals” within the Town.
48. Regardless of the outcome of the appeal to an order for destruction of an animal identified as a “dangerous animal” pursuant to *The Municipalities Act*, the owner shall be responsible for the payment of the costs of impoundment of the animal pending hearing.
49. (a) A Peace Officer as defined by the Criminal Code may destroy any animal that the officer finds injuring or viciously attacking a person or domestic animal.
- (b) Where the officer acted in good faith, a Peace Officer who destroys an animal pursuant to subsection (a) is not liable to the owner for the value of the animal.

PENALTIES:

50. (a) Every owner who commits a breach of the provisions of this bylaw, or neglects or refuses to comply therewith, is guilty of an offence and liable, in addition to any other penalties which may be imposed pursuant to the “Dangerous Dog” provisions of *The Municipalities Act*, to a penalty in the amount set out in Schedule “B”.
- (b) Any owner in contravention of this Bylaw, upon being served with a Notice of Violation, may voluntarily pay his penalty at the Town Office of the Town. Compliance with such notice within the period of time prescribed therein shall relieve such owner from liability to prosecution in respect of such offence.
- (c) Notice of Violation shall be in Form “C” attached to and forming part of this Bylaw; service of such Notice of Violation shall be by mailing by registered mail or personal service upon the owner.
- (d) If an owner in contravention of this Bylaw does not voluntarily pay the penalty provided in subsection a. hereof within seventy-two (72) hours, excluding holidays, Saturdays and Sundays, of being served a Notice of Violation, the said person shall be liable on summary conviction to the penalty prescribed

in Section (e) hereof, and in no case shall the penalty imposed be less than that prescribed in (a) above.

- (e) Except as provided in section (b) hereof, every person who is found to be guilty of an infraction of any of the provisions of this Bylaw shall be liable to a penalty not exceeding \$500.00, exclusive of costs, and to any other fees and penalties imposed under this Bylaw, including the costs of committal to gaol, and in default of payment of the said penalties and costs, to imprisonment not to exceed a period of five (5) days. The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs for which he is liable under the provisions of this bylaw.

51. Bylaw No. 67 and Bylaw No. 1-89 are hereby repealed.

52. This bylaw shall come into force and effect on the date of final passing thereof.

Mayor

Administrator

SCHEDULE "A"

TO BYLAW No. 13-2006

1. Animal Licence Fees for Cats and Dogs:

Cat or dog not spayed or neutered	\$30.00
Cat or dog spayed or neutered	\$15.00
Cat or dog less than 8 months old	\$15.00
Guide/Seeing eye dog	no charge
Replacement tag	\$ 5.00

2. Impoundment Fees for Cats and Dogs:

	1 st offence	2 nd offence	subsequent
Pound Fees for Cats and Dogs	\$20	\$50	\$150
Care and sustenance fee	\$10.00 per day		

SCHEDULE "B"
TO BYLAW No. 13-2006

Amounts which will be accepted in lieu of prosecution:

<i>Offence Under</i>	<i>Offence</i>	<i>Amount</i>
Section 4	Unlicensed dog or cat	\$ 50
Section 8	False Information	\$ 50
Section 10	Removing collar or tag	\$ 50
Section 11	Fail to show or produce Licence, receipt or other Evidence of payment of Licence fee	\$ 50
Section 16	Animal running at large	\$ 50
Section 17	Exceeding maximum number of Animals	\$ 50
Section 19(a)	Upset waste receptacle	\$ 50
Section 19(b)	Dog or cat left in motor vehicle	\$ 50
Section 20	Nuisance by barking, etc.	\$100
Section 21	Biting or injuring a person	\$100
Section 22	Failure to keep animal in heat housed	\$100
Section 23	Defecation – property other Than owner	\$100
Section 25	Allow animal feces to accumulate On property	\$100
Section 32	Interfere with Animal Control Officer Or Peace Officer Enforcement	\$100
Section 40	Break open pound or assist in Breaking open pound	\$50
Section 42(c)	Failure to vaccinate animal	\$50
Section 43	keeping livestock/poultry in Town	\$100
Section 44(a)	Housing Prohibited dogs	\$100
Section 45	Housing exotic or wild animals	\$100

SCHEDULE "C"

TO BYLAW No. 13-2006

Town of Ituna

**NOTICE OF VIOLATION
OF THE
ANIMAL CONTROL BYLAW**

OWNER'S NAME: _____

OWNER'S ADDRESS: _____

YOU, AS THE OWNER OF THE (DOG) OR (CAT) DESCRIBED BELOW ARE CHARGED WITH VIOLATION OF BYLAW NO. 13-2006.

SECTION: _____

THE VOLUNTARY PENALTY OF VIOLATION OF SECTION(S) _____ IS \$ _____

SECTION(S) _____ IS \$ _____

DETAILS OF OFFENCE:

DATE: _____ TIME: _____ A.M. P.M.

DESCRIPTION OF DOG OR CAT:

LOCATION OF VIOLATION: _____

NATURE OF VIOLATION: _____

SERVED BY: _____
(Animal Control Officer or Peace Officer)

YOU MAY MAKE VOLUNTARY PAYMENT OF THE ABOVE PENALTY AT THE TOWN OFFICE, TOWN OF ITUNA, 307 MAIN STREET NORTH, BETWEEN 9:00 A.M. AND 5:00 P.M. MONDAY THROUGH FRIDAY.

BY FAILING TO REMIT THIS PENALTY WITHIN 72 HOURS, YOU SHALL BE LIABLE TO PROSECUTION AND, UPON SUMMARY CONVICTION, YOU SHALL BE LIABLE TO PENALTIES PROVIDED UNDER SECTION OF THE SAID BYLAW WITH ALL COSTS OF PROSECUTION.

(Signature of Animal Control Officer or Peace Officer)

SCHEDULE "D"
TO BYLAW No. 13-2006
COMPLAINT FORM

On _____ at approximately _____ a.m./p.m., a

Dog/cat described as follows:

Which I personally know to be owned by:

Address:

Did "run at large" and is in my opinion deemed to be a 'public nuisance' or did create a "public nuisance" by:

I hereby request the Town of Ituna to take action against the owner of the above mentioned dog/cat. I understand that if the owner decides to defend himself against the charge, a summons will be issued, and I will be called upon to testify in a Court of Law and I hereby agree to do so.

DATED at Ituna, Saskatchewan, this _____ day of _____, _____.

Signed: _____

Witnessed: _____

SCHEDULE "E"

List of Animals the Keeping of Which is Prohibited within the Town of Ituna:

- All Arachnids dangerous to humans (such as scorpions and tarantulas)
- All Artiodactylous Ungulates, including domestic goats, sheep, cattle and pot bellied pigs
- 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 Hyenas
- 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 Perissodactylous Ungulates (excluding the domestic horse, mule and ass)
- All Pinnipeds (such as seals, fur seals and walruses)
- All Procyonids (such as racoons, coatis and cacomistles)
- All Raptors, diurnal and nocturnal (such as eagles, hawks and owls)
- All Tatite Birds (such as ostriches, rheas and cassowaries)
- All snakes of the families Tythonidae and Boidae
- All Ursids (bears)
- 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.