

BYLAW NO. 2018-08

**THE RURAL MUNICIPALITY OF KELLROSS NO. 247
SASKATCHEWAN**

**A BYLAW TO PROVIDE FOR THE LICENSING, PROHIBITING, REGULATING AND
CONTROLLING OF ANIMALS AND THE BEING AT LARGE OF ANIMALS WITHIN THE
SPECIAL SERVICE AREA OF LESTOCK.**

THE COUNCIL OF THE RURAL MUNICIPALITY OF KELLROSS NO. 247, 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 Special Service Area, 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 for the Rural Municipality of Kellross No. 247;
 - b) Animal Control Officer – means the Pound Keeper, any person appointed by Council for the purpose of bylaw enforcement, and 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 male or female kitten over eight weeks of age;
 - d) Council – means the Council for the Rural Municipality of Kellross No. 247;
 - e) Dog – means and includes every dog of either sex and shall include pups over eight 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 harbors a dog or cat, other animals 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 harboring a dog, cat, other animal or poultry, for the prevention, diagnosis or treatment of a disease or injury;
 - iv) the Rural Municipality of Kellross No. 247, 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 Rural Municipality of Kellross No. 247 as the impoundment facility;

- l) Pound Keeper – means a person designated and appointed by Council or the Administrator to maintain to suitable accommodation (pound) for the keeping of impounded animals;
- m) Prohibited Dogs – 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) RM – means the Rural Municipality of Kellross No. 247

LICENSING

- 4. Every person who owns, possess or harbors a dog or cat within the Special Service Area of Lestock boundaries shall register and obtain a license for the said dog or cat for the municipal office on or before December 31st of each year for the following year, or immediately after the date of possession, and shall pay an annual fee as set out in Schedule ‘A’ of this Bylaw, which license 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 license 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 license, the applicant must furnish a description of the dog or cat, including sex, color, 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 sprayed and whether the dog or cat has been vaccinated against rabies within two years of the date of the application for license and any other relevant information which may be required by the RM.
- 9. Every owner shall cause his/her dog or cat to wear a collar around its neck with the license tag attached thereto and no owner shall remove its collar or tag.
- 10. The owner of any dog or cat within the Special Service Area of Lestock shall, on demand of the Animal Control Officer, show his/her receipt or other evidence that he/she has paid the license fee provided in the Bylaw for the current year, or if unable to produce, go to the RM Office.
- 11. 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, boarding kennel or grooming parlor;
 - b) a public pound
 - c) a shop whose business includes the sale of pets and it 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.
- 12. No person shall be entitled to a license rebate under this Bylaw.
- 13. When a license required pursuant to this section has been paid for by and uncertified cheque, the license is automatically revoked if the cheque is not accepted and cashed by the bank on which it is issued.

CONTROL OF DOGS AND CATS

- 14. The RM is authorized to appoint an Animal Control Officer to apprehend, restrain and impound any dog or cat running at large in the Special Service Area, to issue violation notices and to carry out additional enforcement duties of this Bylaw.

15. (a) No owner of a dog or cat shall permit his/her dog or cat to be running at large at any time in the Special Service Area.
(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.
16. 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.
17. 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 the 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.
18. 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.
19. No owner shall allow any dog or cat, without provocation, to bite, inflict injury, assault or otherwise attack a person or domestic animal.
20. Every owner of a female dog or cat in heat shall confine such dog or cat to a house or kennel and shall not suffer or permit such dog or cat to run or be at large.
21. No owner of any dog or cat 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.
22. Section 22 shall not apply to a person who owns and is physically reliant on a guide dog trained and used to assist such a person.
23. An owner or occupant of private property must not allow animal feces to accumulate on the property as to create a health hazard.
24. 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.
25. If a notice under Section 25 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 municipality.
26. A notice served by registered mail is deemed to have been received on the seventh day following the date of mailing.
27. The RM 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 hours, or
 - b) after reasonable inquiring, the whereabouts of the owner or occupant of the property cannot be determined.
28. If the RM carries out the work under section 28, the costs and expenses incurred are a debt due to the municipality and the municipality 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 DOGS AND CATS

29. (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 dog or cat which is found at large.
30. No person, including the person who is the owner of a dog or cat which is being impounded, shall interfere with an Animal Control Officer or Peace Officer who is impounding any dog or cat in accordance with the provisions of this Bylaw.
31. The Animal Control Officer, or any person authorized by Council, is hereby authorized to seize and capture, by methods authorized by *The Municipalities Act*, and impound any dog or cat running at large contrary to the provisions of this Bylaw; or where the owners, possessors or harbors thereof have not complied with the provisions of this Bylaw.
32. No unlicensed dog or cat which is impounded shall be released to its owner until a license has been purchased and impound fees have been paid.
33. When a dog or cat not wearing the said license tag provided for in this Bylaw is impounded, the Animal Control Officer shall immediately post in the municipal 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 seven days before the said sale or destruction takes place.
34. Whenever any dog or cat with a collar and license 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 municipal office, of the owner, possessor or harbinger, a notice to the effect that, unless the said dog or cat is redeemed and the fees provided in this Bylaw are paid within seven days from the time of delivery or mailing of the said notice, the said dog or cat may be sold or destroyed as provided herein. Statutory holidays shall not be included in the computation of the seven days.
35. In the event that the animal in question cannot 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.
36. Upon receipt of a fully completed and signed complaint that a dog or cat was 'running at large' and in addition being a 'public nuisance', the 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 days of the receipt of the notice, the Administrator shall take the steps necessary to prosecute the owner, possessor or harbinger. The complaint shall be in the form attached hereto and marked as Schedule "C" and forming part of this Bylaw.

POUND

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

POUND KEEPER

39. (a) During the period of impounding any dog or cat, it shall be the duty of the Pound Keeper to supply such dog or cat with adequate food, water and heated shelter as necessary and clean fuses.
(b) When the owner, possessor or harbinger of a dog or cat impounded produces within 14 days of service, or posting of the notice as required by Section 35, or before such dog or cat is sold or destroyed, satisfactory evidence that he has complied with the provisions for, in respect of such impounding fees as are provided for, in respect of such dog or cat, he/she shall be entitled to remove such dog or cat.
(c) In case a dog or cat is impounded and is not claimed within 14 days as set out in Subsection (b) hereof, the dog or cat may be disposed of without further notice in the following manner:
 - i) it may be sold by the RM
 - ii) it may be taken to the nearest SPCA
 - iii) it may be disposed of by euthanasia by a qualified Veterinarian

RABIES

40. (a) When a dog or cat 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 the Veterinarian of the Health and Animals Branch, Canada Department of Agriculture, shall be notified immediately. Where a Veterinarian of 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 RMCP, having cognizance that a dog or cat is dangerous or might have been exposed to rabies, may order that person owning, harboring or having in his possession such a dog or cat, 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 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 harbors or has in his possession with the Special Service Area any dog or cat susceptible to rabies, shall cause such a dog or cat to be inoculated against rabies.
- (d) A certificate issued by a qualified Veterinarian to the effect that a dog or cat has been inoculated against rabies shall be prima facie evidence that such animal has been inoculated.

LIVESTOCK AND POULTRY

41. It is unlawful to keep livestock, poultry and or bees with the boundaries of the Special Service Area 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

42. (a) It is unlawful to keep prohibited dogs with the boundaries of the Special Service Area.
- (b) Any person currently living in the Special Service Area 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 Special Service Area after the date of this Bylaw coming into force is not allowed to possess or harbor any dog identified as a Prohibited Dog.

EXOTIC AND WILD ANIMALS

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

DANGEROUS ANIMALS

44. (a) An animal running at large 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 person 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.
45. 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 Special Service Area.

46. 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.
47. (a) A Peace Officer as defined by the Criminal Code may destroy an 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

48. (a) Every owner who commits a breach of the provisions of this Bylaw, or neglects or refused 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 municipal office. 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 hours, excluding holidays, Saturdays or Sundays, of being served a Notice of Violation, the said person shall be liable on summary conviction to the penalty in Section E hereof, and in no cause shall the penalty imposed be less than 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 goal, and in default of payment of the said penalties and costs, to imprisonment not to exceed five days. The levying and payment of any fine or the imprisonment of 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.

REPEAL

49. The Former Village of Lestock Bylaw No.6-08 is hereby Repealed.

INTO FORCE

50. This Bylaw shall come into force and effect on the date of the final passing thereof.

(Seal)

Reeve

Administrator

First Reading: _____

Second Reading: _____

Read a Third Time and adopted
This _____ day of _____, 20 ____.

Administrator