

TOWN OF EATONIA

BYLAW NO. 6/15

A BYLAW TO PROVIDE FOR THE CARE AND CONTROL OF DOG, CAT, DANGEROUS ANIMAL OR OTHER ANIMALS

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

SECTION I - SHORT TITLE

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

SECTION II - DEFINITIONS

2. In the bylaw the following definitions apply:
 - (a) “Administrator” means the Town Administrator of the Town of Eatonia.
 - (b) “Animal” means any animal including dogs, cats, or any type of household pet that is permissible to harbor within the municipality.
 - (c) “Animal Control Officer” means the person appointed by:
 - (i) The Council including all employees of the Town of Eatonia.
 - (ii) An organization, Company or person which has an Agreement with the Town and/or is retained by the Town, to catch and control animals and for enforcement of provisions of this Bylaw or a member of the Royal Canadian Mounted Police.
 - (d) “Cat” means any cat, male or female, neutered or spayed, of the feline family over the age of four (4) months.
 - (e) “Council” means the Council of the Town of Eatonia.
 - (f) “Dog” means any dog, male or female, neutered or spayed, of the canine family over the age of four (4) months.
 - (g) “Dangerous Animal” means:
 - (i) any animal, that without provocation, in a vicious or menacing manner, chased or approached a person or domestic animal in an apparent attitude of attack;
 - (ii) any animal whatever its age with 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) any animal that, without provocation, has bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal;
 - (iv) any animal which is owned primarily or in part for the purpose of dog fighting or is trained for fighting.
 - (h) “Household” means a person or a group of people living at the same address.
 - (i) “Kennel” means any structure or place situated within the Town including any premises used by any person for boarding or otherwise caring for, training, or breeding of animals exceeding two in number, whether or not for reward but shall not include any premises occupied by a duly qualified Veterinary Surgeon for the practice of his profession.
 - (j) “Leash” means a leash that is not longer than three (3) meters, adequate to control the animal to which it is attached and securely attached to the animal by the collar, choke collar or harness.
 - (k) “License” means the registration of an animal with the Town of Eatonia accompanied by the required payment.

- (l) “Livestock” means cattle, goats, horses, sheep, swine, and all other fur bearing animals, but does not include “pets”.
- (m) “Municipality” means the Town of Eatonia.
- (n) “Owner” includes:
- (i) a person who keeps, possesses or harbors an animal;
 - (ii) the person responsible for the custody of a minor where the minor is the owner of an animal;
but does not include
 - (iii) a veterinarian registered pursuant to *The Veterinarians Act, 1987* who is keeping or harboring an animal for the prevention, diagnosis or treatment of a disease or of an injury to the animal;
 - (iv) an urban municipality, the Saskatchewan Society for the Prevention of Cruelty to Animals, a local Society for the Prevention of Cruelty to Animals or a Humane Society operating pursuant to *The Animal Protection Act*, with respect to an animal shelter or impoundment facility operated by any of them.
- (o) “Pets” means any animals or birds that are:
- (i) domesticated or tamed and kept as a companion;
 - (ii) not raised for profit;
 - (iii) not customarily raised for human consumption; and
 - (iv) not used for the purpose of transportation.
- (p) “Poultry” means any bird normally raised for the consumption of the meat, eggs or other products from the animal.
- (q) “Pound” means such premises and facilities as may be designated by the Council for the purpose of safely lodging and securing animals seized by the Bylaw.
- (r) “Pound Keeper” means the Animal Control Officer or any person appointed by the council for the purpose of operating the pound.
- (s) “Restricted Dog” means any dog declared a restricted breed by resolution of Council as listed on Schedule “F”.
- (t) “Running at Large” means when the dog, cat or other animal is beyond the boundaries of the land occupied by the owner, possessor, or keeper of the said dog, cat or other 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) securely confined within an enclosure; or
 - (iii) securely fastened so that it cannot roam at will.
- (u) “Town” means the Town of Eatonia, in the Province of Saskatchewan.

SECTION III - LICENSING OF DOGS, CATS, AND DANGEROUS ANIMAL

3. (a) Every owner of a dog, cat, or dangerous animal within the Town shall cause such dog, cat, or dangerous 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 dog, cat, or dangerous animal, the breed in the case of a dog or dangerous animal, the sex, the name and any other relevant information required with respect to the dog, cat, or dangerous animal for which the license is sought and shall provide the name, address and telephone number of the owner of the dog, cat, or dangerous animal. .
- (b) The license year for dog, cat, or dangerous animal 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, cat, or dangerous animal four months old or older shall no later than February 1 in each year obtain a license for the said dog, cat, or dangerous animal from the Town Office, and failure to do so shall constitute an offence under this bylaw.
- (d) When issuing a license for a dog, cat, or dangerous animal the Town shall supply the applicant with a tag, the form of which and lettering or numbers inscribed or imprinted thereon as may be determined by the Town, and a receipt for payment of the license.
- (e) The annual license fee for a dog, cat, or dangerous animal shall be set out in Schedule "A" attached hereto.
- (f) Any dog, cat, or dangerous animal license issued pursuant to the provision of this Bylaw shall not be transferable to any other dog, cat, or dangerous animal.
- (g) If a dog, cat, or dangerous animal license plate or tag is lost, destroyed or so defaced as to be illegible, the owner, possessor or harbinger of the dog, cat, or dangerous animal to which the license was issued shall forthwith apply to the Town Office for a replacement which shall be issued upon payment of a fee as set out in Schedule "A" attached hereto.
- (h) A dog which is used as a guide or "seeing eye" dog by a blind person shall be registered and licensed with the Town and the Town shall issue a license without the prescribed fee.
- (i) The owner of a dog, cat, or dangerous animal shall ensure that the dog, cat, or dangerous animal wears a collar to which is attached a current license tag whenever the dog, cat, or dangerous animal is off the premises of the owner, provided that this provision shall not apply while a dog or cat is participating in a recognized show, obedience trial or field trial. No person other than the owner of a dog, cat, or dangerous animal shall remove its collar or tag and to do so shall be an offence under this Bylaw.
- (j) Every applicant, at the time of making an application for a license for a neutered dog, cat, or dangerous animal may be required to provide the Town Office with a certificate from a veterinary surgeon that such dog, cat, dangerous animal or pet has been neutered.
- (k) The provisions of this section shall not apply to dogs, cats, dangerous animals or pets kept, in the ordinary course of business by the proprietors of the following premises:
 - (i) a veterinary hospital, clinic, boarding kennel, or grooming parlor;
 - (ii) a public pound;
 - (iii) a shop whose business included the sale of pets and is licensed as such;
 - (iv) a shelter operated by an association or society incorporated for the purpose of the protection and humane treatment of animals.
- (l) The owner or possessor of a kennel is registered in the register of The Canadian Kennel Club may in lieu of procuring a license for each dog as hereinbefore required, pay the Town the sum of \$100.00 as the license fee for all dogs in such kennel.
- (m) A person residing in the Town who owns, possesses, keeps or harbors a dog, cat, or dangerous animal and neglects or refuses to register and apply for a license for the current year, or neglects to cause a dog, cat, or dangerous animal to wear the license, shall be subject to the penalties as outlined in Schedule "C" of this Bylaw.
- (n) Every owner of a dog, cat, or dangerous animal within the Town shall on demand by the Animal Control Officer, Bylaw Enforcement Officer or Peace Officer produce and show his/her license receipt or other evidence that he/she has a license for the current year.

SECTION IV - RUNNING AT LARGE

- 4. (a) The owner of a dog, cat, dangerous animal or pet shall not at any time allow the dog, cat, dangerous animal or pet to run at large within the Town.
- (b) When a dog, cat, dangerous animal or pet is found to be running at large, the owner is deemed to have failed or refused to comply with the provisions of this section.

- (c) Where a dog, cat, dangerous animal or pet is found to be running at large, the owner or occupant of that property on which the dog, cat, dangerous animal or pet is running at large may make a written complaint to the Animal Control Officer, or the Town Administrator to convey to the Animal Control Officer.

SECTION V - LIMITS - DOGS AND CATS

- 5. (a) No household or business within the Town, other than those identified in Section 3 (k), shall harbor or keep more than two (2) dogs, over the age of four (4) months, on any 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.
- (b) No household or business within the Town, other than those identified in Section 3 (k), shall harbor or keep more than two (2) cats, over the age of four (4) months, on any 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.

SECTION VI - SEIZURE AND IMPOUNDING

- 6. (a) An Animal Control Officer may seize and impound any dog, cat, dangerous animal or pet observed to be at large.
- (b) An Animal Control Officer may enter onto land surrounding any building in pursuit of any dog, cat, dangerous animal or pet which has been observed to be at large.
- (c) The Animal Control Officer or any other person authorized by the Council, is hereby authorized to seize and capture, by use of a tranquilizer gun or other method authorized by resolution of the Council of the Town of Eatonia, and impound any dog, cat, dangerous animal or pet running at large contrary to the provisions of this Bylaw.
- (d) Any person may take any dog, cat, dangerous animal or pet found running at large contrary to the provisions of this Bylaw to the Town of Eatonia pound.
- (e) No person, whether or not he/she is the owner of a dog, cat, dangerous animal or pet which is being pursued or seized shall:
 - (i) interfere with or attempt to obstruct the Animal Control Officer who is attempting to seize or has seized any dog, cat, dangerous animal or pet in accordance with the provisions of this Bylaw;
 - (ii) unlock or unlatch or otherwise open the vehicle in which dogs, cats, dangerous animals or pets seized under this Bylaw have been placed, so as to allow or attempt to allow any dog, cat, dangerous animal or pet to escape there from;
 - (iii) remove or attempt to remove any dog, cat, dangerous animal or pet from the possession of the Animal Control Officer.

SECTION VII - POUND

- 7. (a) Any dogs, cats, dangerous animals or pets seized pursuant to this Bylaw shall be impounded and kept at a place approved by the Council.
- (b) All dogs, cats, dangerous animals or pets 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, cat, dangerous animal or pet upon paying to the Town Office the amount set forth in Schedule "B" to this Bylaw. Such payment shall be made by cash, certified cheque or money order only and shall be made in advance of release of the dog, cat, dangerous animal or pet.
- (c) No unlicensed dog, cat, dangerous animal or pet 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, cat, dangerous animal or pet 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 of the dog, cat, dangerous animal or pet as shown in the records made when the license was purchased at the address shown therein, that unless the said dog, cat, dangerous animal or pet is claimed and the fees as provided for in this Bylaw are paid within 72 hours from the date of the impounding, the dog, cat, dangerous animal or pet shall be dealt with pursuant to the provisions of this Bylaw.
- (e) All impounded dogs, cats, dangerous animals or pets which are not claimed within 72 hours aforesaid, may be sold by the Town Office to any person paying for such dog, cat, dangerous animal or pet, a sum of not less than \$5.00 for the use of the Town Pound and procuring a license for such dog, cat, dangerous animal or other pet as provided for by this Bylaw. In the event any dog, cat or pet 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 Pound Keeper to provide each dog, cat, dangerous animal or pet impounded under the authority of this Bylaw, an adequate supply of food, fresh water and heated shelter during its confinement in the pound.

SECTION VIII - LITTER - DOGS, CATS, OR PETS

- 8. (a) If a dog, cat or pet defecates on any public or private property other than the property of the owner, possessor or harbinger of the said dog, cat or pet, the owner, possessor or harbinger of the dog, cat or pet 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) This section shall not apply to a person who owns and is physically reliant on a guide dog trained and used to assist such a person.

SECTION IX - NUISANCE

- 9. (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 offence under this Bylaw.
 - (ii) Every female dog in heat shall be confined to a house or kennel.
 - (iii) For the purpose of this section a dog is being loud if its barking or howling or whining can be easily heard by a person not situated on the property where the dog is.
- (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, harbinger who contravenes this section commits an offence under this Bylaw.
- (c) Nuisance - Pets
 - (i) The owner, possessor or harbinger of pets shall not allow the animal to create a nuisance to any person by making disruptive noises or by urinating or defecating on or otherwise damaging or interfering with any property of the owner, possessor or harbinger. Any owner, possessor or harbinger who contravenes this section commits an offence under this Bylaw.

SECTION X - RABIES

10. (a) Any dog or cat suspected of having rabies shall be secured and isolated for a period of ten (10) days and the matter shall be immediately reported to the Leader or Kindersley Veterinary Clinic for further instructions. If the dog or cat has bitten a person, the Public Health Officer shall also be notified immediately.
- (b) An owner, possessor or harbinger 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.

SECTION XI - DANGEROUS DOGS

11. (a) Where a complaint received by the Town Office that a dog within the Town of Eatonia is dangerous, Section 374 of *The Municipalities Act* shall apply.

SECTION XII - BEES, LIVESTOCK, POULTRY, EXOTIC AND WILD ANIMALS

12. (a) No person shall keep bees, livestock or poultry within the Town.
- (b) No person, partnership or corporation shall own or harbor on private property any animal or hybrid of any animal of the kind listed in Schedule "E", attached hereto and forming part of this Bylaw, for sale, or exhibition, as a pet or for any other purpose prohibited by the Town.
- (c) No person, partnership, or corporation whether operated separately or in connection with another business enterprise, shall operate a pet shop that buys, sells, trades, exhibits or harbors any animal or hybrid of any animal of the kind listed in Schedule "E" of this bylaw.
- (d) Sections 12 (b) and 12 © do not apply to the following places or circumstances:
- (i) in a veterinary clinic under the care of a licensed veterinarian;
 - (ii) by anyone holding a license under any statute of the Legislature of Saskatchewan or the Government of Canada, which permits the keeping of animals under stated conditions;
 - (iii) a zoo or traveling circus, provided they hold a valid license from the Province of Saskatchewan or the Government of Canada, and have attained a business license from the Town.

SECTION XIII - HUMAN DESTRUCTION OF SICK AND INJURED ANIMALS

13. (a) The Animal Control Officer, Veterinarian or other person appointed by Council may take immediate action to humanely destroy any sick or injured animal found within the Town where, in their opinion, immediate destruction of the animal is necessary in order to avoid unnecessary suffering by the animal.
- (b) Reasonable efforts shall be made to contact the owner of the animal before it is destroyed pursuant to Section 13 (a). However, no action lies against the Animal Control Officer, Veterinarian or other person appointed by Council because the owner of the animal was not contacted.

SECTION XIV - ANIMAL TRAPS

14. (a) Animal traps for use within the Town limits must be obtained from the Animal Control Officer or Town Office. Conditions for the use of animal traps is detailed in Schedule "D", attached hereto and forming part of this Bylaw.

SECTION XV - GENERAL VIOLATIONS

15. (a) Any person teasing an animal, enticing an animal, baiting or throwing objects at an animal confined within its owner's property shall be in violation of this Bylaw.
- (b) No person shall keep an animal in an unsanitary condition within the municipality. Conditions shall be considered unsanitary where the keeping of the animal results in an accumulation of fecal matter, an odor, insect or infestation or rodent attractants which endanger the health of the animal or any person, or which disturb or are likely to disturb the enjoyment, comfort or convenience of any person in or about any dwelling, office, hospital or commercial establishment.

SECTION XVI - PENALTIES

16. (a) Any person who contravenes any of the provisions of this Bylaw or neglects or fails to comply therewith or with any notice given thereunder shall be guilty of an offence and liable upon summary conviction to:
- (i) in the case of an individual, to a fine of not more than \$2,000.00; and
 - (ii) in the case of a corporation, to a fine of not more than \$5,000.00
- (b) A Notice of Violation, as specified in Form "A" to this Bylaw, may be issued by the Bylaw Enforcement Officer or Animal Control Officer for the Town for offences against this Bylaw in the penalty amounts set forth in Schedule "C" to this Bylaw.
- (c) Notwithstanding Section 16 (a) a person who contravenes any provisions of this Bylaw, upon being served with a Notice of Violation, as specified in Form "A", may voluntarily pay the prescribed penalty in Schedule "C" at the Town Office, Box 237, 302 Main Street, Eatonia, SK, S0L 0Y0. If the Town receives voluntary payment within the time specified on the Notice of Violation, the person receiving the Notice of Violation shall not be liable for prosecution for the alleged contravention.
- (d) If payment is not received as provided in Section 16 © hereof within the time prescribed, a Summons shall be issued to the person alleged to have committed the offence, and thereafter, the provisions of this section shall not apply with respect to that offence.
- (e) A person to whom a Notice of Violation is being issued pursuant to this Section shall, upon request, provide their name and address. Any person who fails to provide this information is guilty of an offence and liable on summary conviction to the penalty contained in Section 16 (a).

SECTION XVII - REPEAL AND COMING INTO FORCE

- 17 (a) Form "A" and Schedules "A", "B", "C", "D", "E", and "F" referred to herein and attached hereto shall form part of this bylaw.
- (b) Town of Eatonia Bylaw No. 3/08 is hereby repealed.
- (c) This bylaw shall come into force and take effect January 1, 2016.



Mayor

Administrator

Certified a true copy of Bylaw # 6/15,
adopted by resolution of Council, this
13th day of October 2015.

Administrator

