

TOWN OF MOSSBANK

BYLAW NO. 03/19

ANIMAL CONTROL BYLAW

A BYLAW OF THE TOWN OF MOSSBANK, IN THE PROVINCE OF SASKATCHEWAN, TO PROVIDE FOR THE CONTROL AND LICENSING OF DOGS, CATS, AND OTHER ANIMALS.

The COUNCIL of the Town of Mossbank in the Province of Saskatchewan enacts as follows:

1. This Bylaw shall be known as the "Animal Control Bylaw".

2. **DEFINITIONS**

For the purposes of this Bylaw, the following definitions apply:

"Administrator" shall mean the Chief Administrative Officer of the Town of Mossbank or any person authorized to act on his or her behalf.

"At-Large" shall mean off the premises and boundaries of the land occupied by the Owner, possessor or harbourer and includes:

- a) public property when unaccompanied by any person;
- b) public property when accompanied by a person but not under the complete control of a person by means of a leash unless otherwise permitted by this Bylaw;
- c) private property without the permission of the Owner or occupant of the property.

"Cat" shall mean any cat, male or female, immediately after it has been weaned.

"Council" shall mean the Council of the Town of Mossbank.

"Dangerous Dog" shall mean:

- a) 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;
- b) any Dog with a known propensity, tendency or disposition to attack without provocation, cause injury or otherwise threaten the safety of persons or domestic animals;
- c) any Dog that, without provocation, has bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal; or
- d) any Dog which is owned primarily or in part for the purpose of Dog fighting or is trained for fighting.

"Dog" shall mean any Dog, male or female, immediately after it has been weaned.

"Enclosure" shall mean a fence or structure at least 1.8 meters in height and suitable both to confine the animal it is being used to confine and prevent the entry of children.

"Kennel" shall mean an Enclosure or building where four or more Dogs or Cats are kept for any commercial or non-commercial purpose.

“Municipal Office” shall mean the building located at 311 Main Street in Mossbank, SK.

“Neutered” shall mean any male Dog or Cat certified by a veterinarian as being unable to reproduce.

“Owner” shall mean:

- a) a person who owns, keeps, feeds, possesses or harbours an animal to which this Bylaw applies; or
- b) the person responsible for the custody of a minor where the minor is the Owner of an animal to which this Bylaw applies.

“Pound” shall mean such premises and facilities as may be designated by resolution of Council.

“Poundkeeper” shall mean the person appointed as Poundkeeper by resolution of Council.

“Spayed” shall mean any female Dog or Cat certified by a veterinarian as being unable to reproduce.

“Town” shall mean the lands within the municipal boundaries of the Town of Mossbank.

“Unaltered” shall mean capable of reproducing.

3. **LICENCES**

Every Owner within Town shall obtain a licence for their Dog or Cat, which shall be known as a “Pet Licence”, at the time it comes into his or her possession or harbourage; and

- a) Every Owner of a Dog or Cat within Town shall obtain a Dog or Cat licence tag from the Administrator by submitting a fully completed Schedule “B” in addition to payment of the annual licence fee shown by Schedule “A”;
- b) The proof of licensing for a calendar year in accordance with this Bylaw shall consist of the receipt of payment of the annual licence fee in the amount shown by Schedule “A” as issued and signed or initialled by the Administrator;
- c) Licences issued under this Bylaw shall:
 - i. be in effect from the date of purchase to December 31 of the same calendar year; and
 - ii. be renewed annually by submitting payment of the annual licence fee shown in Schedule “A”, if the Dog or Cat remains in the possession or harbourage of the Owner as at January 1 of the subsequent calendar year, and this amount shall be due and payable prior to March 1;
- d) Licences shall not be transferable to any other Dog, Cat, or other Owner;

- e) No person shall register or attempt to register an Unaltered Dog or Cat as Neutered or Spayed or provide any other false information on the Schedule "A" submitted in accordance with Section 3(a);
- f) A Dog owned by a sightless person and used as a guide shall be registered and licensed as required by this Bylaw but shall be without charge unless Schedule "A" shows that a fee is required;
- g) No person shall own, harbour or maintain any animal, except as permitted in this Bylaw, with the exception of the following which shall not be regulated:
 - i. All types of fish and crustaceans;
 - ii. All types of tropical birds;
 - iii. Any amphibian or reptile that consumes insects only, is not poisonous, and poses no danger to persons; and
 - iv. Hamsters, gerbils, guinea pigs, rabbits, ferrets, chinchillas, and any other creature under TEN (10) pounds in weight that is not poisonous or carnivorous, that poses no danger to persons or pets, and does not constitute a public nuisance or health risk;
- h) In any case, all types of farm animal including, but not limited to, chickens, sheep, horses, cows, and pigs shall be prohibited within Town except in the case of a temporary exhibition or sale which has been approved by resolution of Council or if it is located on a parcel or lot zoned for agricultural use;
- i) Additional licensing requirements may apply in accordance with Section 5; and
- j) Any person who feeds an animal or leaves food outside on his or her property and does not attempt to prevent its consumption by unregistered or prohibited animals, unless acting in a municipal capacity under the direction of the Administrator or Poundkeeper, shall be deemed to be in possession of said animal and be its Owner for the purposes of this Bylaw.

4. **WEARING OF TAGS**

- a) Notwithstanding subsection (b), every person to whom a licence has been issued under this Bylaw shall cause their Dog or Cat to wear a collar to which shall be attached the licence tag issued by the Administrator. If the original licence tag is lost, the Administrator shall issue a replacement tag upon request by the Owner for a fee as set out in Schedule "A".
- b) Animals with a number or word tattooed in the ear shall be exempt from subsection (a) if the colour of the tattoo and the number or word has been provided to the Administrator on the Schedule "B" submitted in accordance with Section 3(a).

5. KENNEL LICENCE

- a) No person shall own, possess, harbour, or maintain more than TWO (2) Dogs and TWO (2) Cats unless first obtaining a licence (in addition to the licensing requirements of Section 3 of this Bylaw) and this licence shall be known as a "Kennel Licence".
- b) All Kennel Licences require approval by Council resolution and are specific to an address (non-transferable to another address). Kennel Licences issued without such shall be void until such time as approval is granted.
- c) Council approval shall be deemed to be renewed annually upon payment of the annual licence fee as set out in Schedule "A", unless rescinded by another resolution of Council.
- d) Kennel Licences may be revoked under the following conditions:
 - i. The Owner is in possession of a Dangerous Dog; or
 - ii. The Administrator has received THREE (3) complaints in writing from THREE (3) separate persons inhabiting separate households.
- e) The Administrator shall maintain a register of approved Kennels.

6. DANGEROUS DOG

- a) Persons who harbour, possess, or maintain a Dangerous Dog after it has been declared dangerous shall comply with the following conditions:
 - i. Notwithstanding subsection (a)(ii), a Dangerous Dog shall be confined in an Enclosure;
 - ii. If a Dangerous Dog is to be removed from its Enclosure for any reason, the following safety precautions must be taken:
 - a. The Dog shall be fitted with a collar or body harness that is suitably tight and of sufficient quality to ensure it cannot be removed unintentionally by any means;
 - b. The movement of the Dog shall be controlled by a person SIXTEEN (16) years of age or older by means of a leash attached to the collar or harness;
 - c. The leash shall not exceed ONE AND TWO-TENTHS (1.2) metres in length and be constructed of material having a tensile strength of at least ONE HUNDRED FORTY (140) kilograms;
 - d. A muzzle shall be properly fitted on the Dog to prevent it from biting any animal or person.

- iii. Within TEN (10) days of his or her Dog being declared dangerous, the Owner shall provide proof to the Administrator that liability insurance of not less than THREE HUNDRED THOUSAND (300,000) dollars has been obtained for any bodily injury to or death of any person or domestic animal, or damage to property caused by the Dog.
- iv. Display a sign in the prescribed form and manner at each entrance to the premises where the Dog is kept and on the Enclosure in which the Dog is confined. The sign shall be clearly visible and capable of being read from any adjacent public road and shall read "WARNING: DANGEROUS DOG ON PREMISES".
- v. Any complaint that a Dog is dangerous made in writing to the Town may be presented to a judge, in accordance with Section 375 of *The Municipalities Act*, and actions taken as prescribed therein.

7. ROAMING AT-LARGE

- a) No Dog or Cat is permitted to roam At-Large in Town.

8. NUISANCE

- a) The Owner of a Dog shall ensure that it does/is not:

- i. bite or attempt to injure any person, whether on the property of the Owner or not;
- ii. chase or threaten a person, unless the person chased or threatened is a trespasser on the property of the Owner;
- iii. bite, bark at or chase animals, bicycles, automobiles or other vehicles;
- iv. bark, howl or otherwise disturb any person;
- v. cause damage to property or other animals;
- vi. left unattended in any motor vehicle unless the Dog is restricted so as to prevent access by any persons;
or
- vii. defecate or urinate on the property of anyone other than that of the Owner.

- a. In the event of an occurrence of defecation, the Owner shall remove such defecation immediately or be subject to an additional fine.

- b) The Owner of a Cat shall ensure that it does not:

- i. bite or attempt to injure any person, whether on the property of the Owner or not;
- ii. howl or hiss at night;

- iii. cause damage to property or other animals; or
- iv. defecate, spray or urinate on property other than that of the Owner.
 - a. In the event of an occurrence of defecation, the Owner shall remove such defecation immediately or be subject to an additional fine.

9. **SEIZURE OF ANIMALS**

- a) Any Dog or Cat found At-Large, in violation of Section 7 of this Bylaw, may be taken by the Poundkeeper to the Pound.
- b) In order to capture the Dog or Cat At-Large, the Poundkeeper is authorized to use the aid of a tranquillizer gun, catch pole, cage or other method authorized by resolution of Council, and thereby seize any Dog or Cat running At-Large.
- c) Any Wildlife Officer may exercise any authority provided through *The Wildlife Act* to seize, capture or destroy any wildlife found to be At-Large or being harboured within the municipality.
- d) Stray farm animals shall be captured and impounded in a manner determined by the Poundkeeper. All costs associated with a farm animal's capture, impoundment and feeding in addition to any applicable penalties shall be paid prior to the animal being released to its Owner.

10. **POUND**

For the purpose of impounding Dogs or Cats, a Pound shall be established at such place or places as may be designated by resolution of Council.

11. **POUNDKEEPER**

- a) Council shall appoint a Poundkeeper by resolution.
- b) A Poundkeeper may capture and impound any Dog or Cat found running At-Large.
- c) A Poundkeeper may enter onto the land surrounding any building in pursuit of a Dog or Cat which has been observed to be At-Large.
- d) When any Dog or Cat with a collar and licence tag is impounded, the Poundkeeper shall forthwith deliver or cause to be delivered to or at the place of residence of the Owner, as shown by the records maintained by the Administrator, an "Impoundment Notice" stating that unless the impounded Dog or Cat is redeemed and the fees provided in the Bylaw are paid within THREE (3) business days from the time of delivery or mailing of the said notice, the impounded Dog or Cat may be sold or humanely destroyed. This Impoundment Notice shall be in the form of Schedule "C".

- e) When any impounded Dog or Cat is found to be not wearing a licence tag issued by the Administrator or otherwise having a marking as described in Section 4(b), the Poundkeeper shall immediately post notice at the Municipal Office, giving the description of the Dog or Cat, a photo, and the date and hour when it will be sold or humanely destroyed. Such notice will be posted at least THREE (3) business days before the said sale or destruction takes place.
- f) During the period of impoundment of any Dog or Cat, it shall be the duty of the Poundkeeper to supply such Dog or Cat with adequate food, water and appropriate shelter given weather conditions.
- g) When the Owner of an impounded Dog or Cat produces, within THREE (3) business days of posting of notice in accordance with subsections (d)-(e) or before such Dog or Cat is sold or humanely destroyed, satisfactory evidence to the Poundkeeper that the Owner has complied with the provisions of this Bylaw with respect to the payment of applicable fees and penalties as set out in Schedules "A" and "E", the Owner shall be entitled to remove such Dog or Cat.
- h) If an impounded Dog or Cat is not redeemed within the time prescribed by this section, it may be sold by the Poundkeeper. Alternatively, any Dog or Cat not redeemed within the time prescribed by this section may be humanely destroyed by the Poundkeeper or, at his or her request, by any other person.
- i) The Poundkeeper shall keep a record of all Dogs and Cats impounded and the manner in which they are disposed of and shall remit to the Administrator, on or before the 15th day of each month, all fees received and any related records.

12. SURPLUS FROM SALE

Any money turned over to the Administrator, less any applicable costs incurred and penalties/fees outstanding, shall be paid to the Owner of the Dog or Cat sold upon satisfactory proof of ownership being furnished to the Administrator and application thereof being made within TWELVE (12) months from the date of sale. If application is not made within this period, the money shall form part of the general revenue of the Town.

13. HUMANE DESTRUCTION OF SICK AND INJURED ANIMALS

- a) A Poundkeeper may take immediate action to humanely destroy any sick or injured animal found within Town where, in his or her opinion, immediate destruction of the animal is necessary to avoid unnecessary suffering; and
- b) Reasonable efforts shall be made to contact the Owner of an animal before it is destroyed pursuant to subsection (a), but it shall not be required that the Owner grant permission or be successfully contacted prior to carrying out the destruction of the animal.

14. RABIES

- a) When a Dog or Cat has bitten a person and/or is suspected of being a rabid animal, the Rabies Risk Assessment Veterinarian of the Ministry of Agriculture shall be notified immediately (1-844-772-2437). Where the Rabies Risk Assessment Veterinarian of the Ministry of Agriculture is not available, the report shall be made to a local veterinarian or an officer of the R.C.M.P.
- b) A medical health officer, licenced veterinarian or officer of the R.C.M.P., having cognizance that a Dog or Cat is dangerous or may have been exposed to rabies, shall be authorized to order the Owner of said Dog or Cat, whether vaccinated or not against rabies, to keep it under confinement at a place acceptable to the Rabies Risk Assessment Veterinarian of the Ministry of Agriculture for a period of TEN (10) days or until such time as the suspicion of rabies has been confirmed or refuted.
- c) Where, in the opinion of the Rabies Risk Assessment Veterinarian of the Ministry of Agriculture, rabies infection has reached proportions where mass vaccination is necessary, every person who owns a Dog or Cat susceptible to rabies within Town shall cause their 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 the animal has been inoculated.

15. GENERAL

- a) No unauthorized person shall remove from a Dog or Cat a collar or licence tag.
- b) No person shall untie, loosen or otherwise free an animal which has been tied or otherwise restrained.
- c) No person shall negligently or wilfully open a gate, door or other opening in a fence or enclosure in which an animal has been confined and thereby allow an animal to run At-Large in Town.
- d) No person shall break open or assist in breaking open any Pound in which a Dog or Cat may be impounded
- e) No person shall hinder, delay or obstruct any person in the performance of his or her duties under this Bylaw.
- f) No person shall tease, entice, bait or throw objects at a Dog or Cat confined within its Owner's property.
- g) Every female Dog or Cat in heat shall be confined to a house or Enclosure.

16. PENALTY

- a) Subject to Section 17 of this Bylaw:
 - i. any person committing a breach of this Bylaw, whether intentionally or unknowingly, is guilty of an offense and liable on summary conviction to a fine of not less than FIFTY dollars (\$50.00) and not more than FIVE THOUSAND dollars (\$5000.00), whether or not the Dog or Cat in connection with the breach has been impounded, sold or destroyed;
 - ii. in the event that a licence had not been obtained and the fee thereof paid as required by this Bylaw with respect to the Dog or Cat in connection with which the breach or neglect or refusal was committed, the amount of such licence fee shall be assessed and directed to be paid by the summary conviction court in addition to the amount of the said fine and the same shall be enforced and recovered in the same manner as such fine; and
 - iv. in default of payment of fine and costs, said person may be imprisoned in the nearest gaol for a term of not less than SEVEN (7) days and not more than THIRTY (30) days.

17. VOLUNTARY PENALTY

- a) Any person found committing or having committed a breach of this Bylaw may be issued a voluntary penalty ticket by the Administrator, in the form of Schedule “D”, stating the applicable voluntary penalty shown in Schedule “E”.
- b) Any person receiving a voluntary penalty ticket as described by subsection (a) may avoid prosecution under Section 16 by paying the voluntary penalty amount as shown thereon by the date stated.

18. REPEAL

Bylaw No. 01/15 is hereby repealed.

19. COMING INTO FORCE

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

[SEAL]

Mayor

Administrator

Read a third time and
adopted this 8th day of
April, 2019.

Schedule “A”

ANNUAL LICENCE FEES

1.	DOGS AND CATS (Section 3)	
	Spayed or neutered	\$10.00
	Unaltered	\$100.00
2.	KENNEL (Section 5)	
	Per registered lot or parcel	\$5.00
3.	REGISTERED SERVICE DOG (Section 3[f])	
	Seeing eye or guide dog	No Fee
4.	REPLACEMENT TAG (Section 4[a])	\$5.00

Schedule "B"
PET LICENCE REGISTRATION FORM

- 1. Every owner of a dog or cat shall obtain a pet licence.
- 2. The pet licence shall expire on December 31 of the same calendar year.
- 3. The pet licence shall be purchased or renewed prior to March 1 annually.
- 4. The licence is non-transferable.
- 5. No person shall be entitled to a licence rebate.

OWNER:

NAME	
ADDRESS	Street _____
	Mailing _____
PRIMARY PHONE	_____

PET:

NAME	_____
SPAYED/NEUTERED (YES/NO)	_____
BREED	_____
SEX	_____
COLOUR	_____
DISTINGUISHING FEATURES	_____
HAIR LENGTH	_____

I hereby declare that the above information is true to the best of my knowledge and belief. I am aware that it is an offense to make a false statement.

Applicant's Signature

Date

FOR OFFICE USE ONLY:

TAG NUMBER	_____
<i>OR</i>	
TATTOO DESCRIPTION	_____

FEE	COST
LICENCE	<div></div>
KENNEL	<div></div>
REPLACEMENT TAG	<div></div>
TOTAL	<div></div>

Schedule "C"
IMPOUNDMENT NOTICE

DATE OF PET SEIZURE: _____

TIME OF PET SEIZURE: _____

NAME OF PET: _____

NAME OF REGISTERED OWNER: _____

ADDRESS OF REGISTERED OWNER: _____

You are hereby notified that an animal bearing Tag Number _____ was found roaming at-large near _____ in violation of Bylaw No. 03/19 and has been impounded by the Poundkeeper of the Town of Mossbank.

Our records show that the animal is registered to the owner at the address shown at the top of this form.

Pursuant to Bylaw No. 03/19 you have three (3) business days to claim the animal and pay all applicable costs, licence fees, and penalties; therefore, payment must be received on or before _____, 20____.

We have provided you with a summary of penalties and fees to which we will add any costs related to the care of the animal:

Penalty – Dog or Cat At-Large	\$50
Impounding Fee (Plus \$10 Per Day)	\$50

Note: Penalties are twice the amounts shown if this is not the first offense in this calendar year.

If all costs and fees are paid prior to the expiration of the date shown on this notice, the animal will be released to your care. Otherwise, the animal may be sold, destroyed or otherwise disposed of pursuant to Bylaw No. 03/19.

Please contact the Town of Mossbank as soon as possible to make arrangements at (306) 354-2294.

POUNDKEEPER

ADMINISTRATOR

Schedule "D"
PENALTY NOTICE – ANIMAL CONTROL BYLAW

In the event of a court proceeding, there is a maximum penalty of \$5,000 per offense. You may avoid a court proceeding by paying the penalty shown on this form.

Name of Registered Owner: _____

Address of Registered Owner: _____

Date Issued: _____

Pet Name: _____

Tag Number (if registered): _____

Approximate Location: _____

Bylaw Contravention(s): _____
(Section, Description, Penalty) _____

Total Penalties \$ _____

Please remit payment prior to _____, 20____ to avoid prosecution.

Name of Issuer: _____

Signature of Issuer: _____

Schedule “E”
VOLUNTARY PENALTIES

1. Voluntary penalties are due and payable to the Administrator on the FIFTEENTH (15) calendar day after the issue of the Schedule “D” Penalty Notice:

SECTION	DESCRIPTION OF OFFENSE	PENALTY
3(a)	Fail to obtain a pet licence	\$100.00
3(e)	False or misleading registration	\$100.00
4(a)	Fail to cause tag to be worn	\$25.00
5(a)	Fail to obtain a kennel licence	\$100.00
3(g)-(h)	Owning or harbouring a prohibited animal	\$200.00
6(a)(i)-(ii)	Failure to properly confine dangerous dog	\$250.00
6(a)(iii)	Failure to provide proof of liability insurance	\$100.00
6(a)(iv)	Failure to warn of dangerous dog on premises	\$100.00
7(a)	Dog (cat) roaming at-large	\$50.00
8(a)(i) & 8(b)(i)	Dog (cat) causing injury to person	\$100.00
8(a)(ii)	Dog intimidating or threatening persons	\$100.00
8(a)(iii)-(iv) & 8(b)(ii)	Dog (cat) causing a disturbance	\$25.00
8(a)(v) & 8(b)(iii)	Dog (cat) causing damage to property or other animals	\$100.00
8(a)(vi)	Dog left unattended in vehicle without restriction	\$25.00
8(a)(vii) & 8(b)(iv)	Dog (cat) bodily discharge on non-owner property	\$50.00
8(a)(vii)(a) & 8(b)(iv)(a)	Failure to remove defecation	\$50.00
9(d)	Costs related to the maintenance of impounded farm animals	At Cost
9(d)	Costs related to the capture of farm animals	At Cost
9(a) & (d)	Impounding fee (plus \$10.00/day)	\$50.00
15(a)	Removal of collar or tag from an animal	\$100.00
15(b)-(c)	Untie (free) a restrained (confined) animal	\$100.00
15(d)	Break open or assist in breaking open pound	\$250.00
15(e)	Obstruction of person in performance of duties	\$100.00
15(f)	Tease or entice dog (cat)	\$50.00
15(g)	Failure to confine dog (cat) in heat	\$50.00

2. Subsequent offenses committed prior to the expiry of the calendar year shall result in DOUBLE THE PENALTIES listed in part 1 of this schedule.

TOWN OF MOSSBANK

BYLAW NO. 02/19

A BYLAW TO REPEAL PREVIOUS BYLAWS

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

The following bylaws are hereby repealed.

<u>Bylaw No.</u>	<u>Date Adopted</u>	<u>Subject Matter</u>
08/17	December 11, 2017	Repeal previous bylaws
03/16	April 11, 2016	Water and sewer
06/2011	September 12, 2011	Water and sewer





Mayor



Administrator

Read a third time and adopted
this 14th day of January, 2019.