

ANIMAL CONTROL BYLAW

TOWN OF PENSE

BYLAW NO. 18/2013

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

1. This bylaw shall be known as **The Animal Control Bylaw**.
2. **DEFINITIONS:**
 - a) **Administrator** means the Town of Pense Administrator.
 - b) **Animal** means and includes all dogs, cats, or any other type of household pet that is permissible to harbour within the municipality.
 - c) **Animal Shelter** means such premises and facilities as may be designed by the Council for the purposes of safely lodging and securing cats and dogs seized pursuant to this bylaw.
 - d) **Designated Officer** means the person or persons appointed, employed, or contracted by the Council of the Town of Pense, or a peace officer for the Province Of Saskatchewan, for the purpose of enforcing the provisions of this bylaw.
 - e) **Cat** means any male or female feline over the age of six (6) months.
 - f) **Council** means the Council of the Town of Pense.
 - g) **Dog** means any male or female canine over the age of six (6) months.
 - h) **Dangerous Dog** means :
 - i) 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;
 - ii) Any dog, 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 dog that, without provocation, has bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal;
 - iv) Any dog which is owned primarily or in part for the purpose of dog fighting or is trained for fighting.
 - i) **Household** means a dwelling at a residence or street address within the limits of the Town of Pense where the owner(s) of an animal(s) reside.
 - j) **Kennel** means a facility for raising, breeding or boarding more than three animals.
 - k) **Municipality** means the Town of Pense.
 - l) **Owner** includes:
 - i) A person, persons, partnership, association or corporation who keeps, possesses, harbours or has care of or control of an animal(s);
 - ii) The person responsible for the custody of a minor where the minor is the owner of an animal(s)
 - m) **Pound Keeper** means a person(s) appointed, employed, or contracted by the Town of Pense to maintain, manage and control the animal shelter, to keep records of the animal impounded, released or disposed of and to collect fees and charges levied under this bylaw as provided herein.

- n) **Restricted Dog** means:
 - i) Any dog that has previously been deemed a dangerous animal, in accordance to this bylaw or any other bylaw, has been running at large within the Town of Pense;
 - ii) Any dog that has been previously deemed a dangerous animal, in accordance to this bylaw, or any other bylaw, has been found running at large within the Town of Pense and has chased or approached a person or domestic animal in a vicious or menacing manner, or has attacked to cause injury or to otherwise threaten the safety of persons or domestic animals.
- o) **Running At Large** means when any animal is beyond the boundaries of the land occupied by the owner, possessor, or harbourer or keeper of the said 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) On a leash not to exceed two(2) metres in length; or
 - iii) Securely confined within an enclosure; or
 - iv) Securely fastened so that it cannot roam at will.
- p) **Town** means the Town of Pense

3. LICENSING:

- a) The license for animals shall be from the first day of January to the thirty first day of December of the same year.
- b) Every owner of a dog or cat within the Town shall cause each such 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 animal, the breed in the case of the dog, and any other relevant information required with respect to the animal for which the license is sought and shall provide the name, address, and telephone number of the animal. The onus of proof as to the exact date, which the owner actually became the owner of the dog in question, shall be on the owner.
- c) Every owner of a dog or cat shall no later than the 15th of January in each year, or within 30 days of becoming an owner of a dog or cat, apply for a license for the said dog or cat from the Town Office, and failure to do so shall constitute an offense under this bylaw. Visitors to Pense who stay for more than 30 days are also required to purchase a license for their animal(s).
- d) When issuing a license for a dog or cat, 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 the payment of the license, and the said owner shall attach the said metal tag to the collar to be worn around the neck of the licensed animal at all times.
- e) Any dog or cat license pursuant to the provisions of the bylaw by the Town of Pense shall not be transferable to any other dog or cat.
- f) The annual license fee for a dog or cat license shall be set out in Schedule A attached hereto and which may be amended from time to time by resolution of Council.

- g) In the case of the original metal tag being lost or destroyed, a duplicate shall be issued at the Town Office upon presentation by the owner of a receipt showing payment of the license fee of the current cat or dog license year and upon payment of the sum of \$5.00 for the issuance of a duplicate.
- h) The provisions of this section shall not apply to the dogs or cats in the ordinary course of business by the proprietors of the following premises namely:
 - i) Veterinary clinic or grooming parlour;
 - ii) Public pound;
 - iii) 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.
- i) Notwithstanding Section 3 hereof, no license shall be payable by the owner of a dog where the dog being licensed is a guide dog that the owner physically relies on and the guide dog is trained and used to assist such person.
- j) A person residing in the Town of Pense who owns, possesses, keeps or harbours a dog or cat and neglects or refuses to register and apply for a license for the current year, or neglects to cause the dog or cat to wear the license shall be subject to the penalties as outlined in Schedule C of this bylaw.

4. RUNNING AT LARGE:

- a) Any person who owns or has the care and control of an animal found running at large within the Town of Pense is in violation of this bylaw.
- b) When an animal is found to be running at large, the owner shall be deemed to have failed or refused to comply with the requirements of the provisions of this section.
- c) Where an animal is found to be running at large, the owner or occupant of the property on which the animal is running at large may make a written complaint to the pound keeper or the Town of Pense.
- d) Any dog or cat found in any public place or on public property or otherwise running at large contrary to the provisions of this bylaw, the Bylaw Enforcement Officer or Pound Keeper may seize and impound the said animal.
- e) A written warning letter shall be issued for a 1st Offence; 2nd and subsequent offences shall be subject to the penalties as outlined in Schedule C of this Bylaw.

5. LIMITS – ANIMALS:

- a) No person within the Town of Pense shall harbour or keep more than three (3) dogs or cats in any one household. 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 and which may be amended from time to time by resolution of Council.

6. KENNELS

No kennels of any type or description are permitted within the Town of Pense.

7. SEIZURE AND IMPOUNDING:

- a) The Designated Officer or Pound Keeper is hereby authorized to seize and capture and impound any dog or cat running at large contrary to the provisions of this bylaw.
- b) Any person may take any dog or cat found running at large contrary to the provisions of the bylaw to the Town of Pense Animal Shelter.
- c) No person, whether or not he/she is the owner of a dog or cat which is being pursued or seized shall:
 - i) Unlock or unlatch or otherwise open the vehicle in which the dog(s) or cat(s) seized under this bylaw have been placed, so as to allow or attempt to allow any dog(s) or cat(s) to escape there from;

- ii) Remove or attempt to remove any dog(s) or cat(s) from the possession of the Designated Officer or Pound Keeper.
- d) When the Designated Officer or Pound Keeper observes or receives a complaint of a cat causing a nuisance, they may issue a trap to the complainant upon execution of the complainant of the cat trap permit agreement, which includes the regulations and payment of a refundable deposit for the use of the trap as set out in Schedule E of this bylaw.

8. ANIMAL SHELTER:

- a) The Council of the Town of Pense shall appoint a Pound Keeper.
- b) All dogs and cats impounded in the Animal Shelter shall be so confined therein for a period not exceeding 72 hours from the time of capture during which time the owner thereof shall have the right to repossess the said dog or cat upon paying the Town Office or Pound Keeper, the amount set forth in Schedule B to this Bylaw as amended from time to time by resolution of Council.
- c) No unlicensed dog or cat, 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 or cat impounded is wearing a collar to which is attached a license tag valid for the current year, the Administrator shall immediately attempt to contact the owner as shown in the records made when the license was purchased at the address shown therein. If the said dog or cat is not claimed and the fees as provided within the bylaw are not paid within 72 hours from the date and time of impounding, the said dog or cat shall be dealt with pursuant to the bylaw.
- e) All impounded dogs or cats which are not claimed within 72 hours as aforesaid, may be sold to any person for \$1.00 and the cost of the license as per schedule B. In the event any dog or cat is not sold after the impoundment time of 96 hours, it shall be taken to the Regina Humane Society.
- f) It shall be the duty of the Pound Keeper to provide each dog or cat impounded under the authority of this bylaw, an adequate supply of food and fresh water during its confinement in the Animal Shelter.

9. LITTER:

- a) If a dog or cat defecates on any public or private property other than the owner's, the owner of the dog/cat shall cause such defecation to be removed immediately, and:
 - i) An owner or occupant of private property shall not allow animal feces to accumulate on the property so as to create a health hazard;
 - ii) If requested to do so by the Designated Officer or public health inspector, the owner or occupant of private property must remove all animal feces from the property within 48 hours of the time the request is made;
 - iii) If the request under subsection i) is made to an occupant of private property, a copy of the request shall also be sent by certified mail to the owner of the property at the mailing address shown on the last revised assessment roll of the Town.
- b) The Town may remove feces from the property if:
 - i) The person to whom the request is made fails to remove the feces within 48 hours of request; or
 - ii) After reasonable inquiry of the whereabouts of the owner or occupant of the property cannot be determined.

10. NUISANCE:

- a) Nuisance – Dogs

- l) The owner, possessor or harbourer 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 harbourer who contravenes this section commits an offense under this bylaw.
- b) Nuisance – Cats
 - l) The owner, possessor, or harbourer 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 harbourer. Any owner, possessor, or harbourer who contravenes this section commits an offense under this bylaw.
- c) A written warning letter shall be issued for a 1st Offence; 2nd and subsequent offences shall be subject to the penalties as outlined in Schedule C of this Bylaw.

11. DANGEROUS DOGS:

Where a complaint is received by the Town Office that a dog within the Town of Pense is dangerous, Section 375 of *the Municipalities Act* shall apply.

12. RESTRICTED DOGS:

- a) Any dog that has been previously deemed a dangerous dog, in accordance to *The Municipalities Act*, that has been found running at large within the Town of Pense and has chased or approached a person or domestic animal in a vicious or menacing manner, or has attacked to cause injury or to otherwise threaten the safety of persons or domestic animals shall be deemed a restricted dog by the Bylaw Enforcement Officer or Pound Keeper.
- b) No owner shall keep, possess or harbour a restricted dog within the Town of Pense.

13. OWNING AND HARBOURING EXOTIC AND WILD ANIMALS:

- a) No person shall own or harbour any animal, or hybrid of any animal, of the kind listed in Schedule D for any purpose.
- b) No person, partnership or corporation, whether operated separately or in connection with another business enterprise, shall operate a pet store that buys, sells, trades, exhibits or harbours any animal or hybrid of any animal of the kind listed in Schedule D.

14. GENERAL PENALTIES:

A person who contravenes any provision of this bylaw or neglects or refuses to comply therewith shall be guilty of an offense and liable upon summary conviction to a fine as per the General Penalty Bylaw.

15. PENALTIES:

- a) Tickets shall be issued by the Designated Officer or Pound Keeper for the Town of Pense for offenses against this bylaw with the penalty amounts set forth in Schedule C to this Bylaw as amended from time to time by resolution of Council.
- b) Notwithstanding Section 11, a person who contravenes any provisions of this bylaw, upon being served with a ticket, may voluntarily pay to avoid prosecution the prescribed penalty in Schedule C at the Town of Pense Administration Office.

- c) If the Town of Pense receives voluntary payment of the prescribed penalty within fourteen (14) days from the date the ticket was issued, the person receiving the ticket shall not be liable for prosecution for contravention in respect of which the ticket was given.
- d) If payment is not received as provided in sub-section c hereof within the time prescribed, a Summons shall be issued to the person alleged to have committed the offense, and thereafter, the provisions of this section shall not apply with respect to that offense.
- e) A person to whom a ticket is being issued pursuant to this section shall furnish the Town of Pense Designated Officer or Pound Keeper, upon request, his/her name and address.

16. Bylaw 8/2000 is hereby repealed.



Michele LeBlanc
Mayor

Jendry
Administrator

Read a third time and adopted
this 14th day of August, 2013.

Jendry
Administrator

SCHEDULE "A" TO BYLAW NO. 18/2013

Annual License Fee for Dogs or Cats \$10.00	Neutered/Spayed \$5.00
Lost Dog or Cat Tag replacement fee \$5.00	

SCHEDULE "B" TO BYLAW NO. 18/2013

Dog or Cat Pound Fees: (Pursuant to Section 7)

Impoundment	\$30.00 plus \$10.00 per day or part thereof
-------------	--

SCHEDULE "C" TO BYLAW NO. 18/2013

Penalties for voluntary payment to avoid
prosecution regarding non restricted animals

Offense	1st Offence	2nd Offence	3rd Offence
Running at Large (Sec.4)	\$250.00	\$325.00	\$350.00
Unlicensed Animals (Sec.3)	\$250.00	\$325.00	\$350.00
Animal not wearing license (Sec.3)	\$250.00	\$325.00	\$350.00
Dog/Cat creating nuisance (Sec.10)	\$250.00	\$325.00	\$350.00
Failure to remove defecation (Sec.9)	\$250.00	\$325.00	\$350.00
Interfere with Enforcement (Sec.7)	\$250.00	\$325.00	\$350.00
Exceed limit of dogs/cats (Sec.5)	\$250.00 each animal over limit		
Exotic/Wild animals (Sec.14)	\$250.00	\$325.00	\$350.00

If fines are paid within 14 days of execution, a 50% reduction will be applied.

SCHEDULE "D" TO BYLAW NO. 18/2013

Being a list of animals the keeping of which is prohibited within the Town of Pense.

- all Arachnids dangerous to humans (such as scorpions and tarantulas, except tarantulas of the genera Aphonopelma, Avicularia, and Grammostola)
- all Artiodactylous Ungulates, including domestic goats, sheep and cattle
- all bats
- all Canids, except the domestic dog
- all Crocodilians(such as alligators, crocodiles and caimans)
- all Edentates(such as anteaters, sloths, and armadillos)
- all Elephants
- all Felids, except the domestic cat
- all Gallus Domesticus (such as chickens, hens & turkeys)
- all Hyaenas
- 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 Perissodactulus Ungulates, including the domestic horse, muie, ass
- all Pinnipeds(such as seals, fur seals, and walruses)
- all Procyonids (such as raccoons, coatis and cacomistles)
- all Raptors, diurnal and nocturnal (such as eagles, hawks and owls)
- all Ratite Birds(such as ostriches, rheas, and cassowaries)
- all snakes of the families Pythonidae and Boidae
- all Ursids(bears)
- all venomous Reptiles and Amphibian
- 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.

**SCHEDULE "E" TO BYLAW NO. 18/2013
TOWN OF PENSE
CAT TRAP PERMIT**

COMPLAINANT: _____ DATE: _____

TERMS OF ISSUANCE OF TRAP:

The complainant shall:

1. Personally check the trap each hour while the trap is sent.
2. In the event a cat is trapped, immediately deliver the cat and trap into the custody of the Bylaw Enforcement Officer who may seize and impound the cat.
3. Traps must not be set on statutory holidays or weekends as the Town Office is closed.
4. The trap is to be returned to the Town Office three days after issuance, unless an extension has been granted.

***** IT IS A CRIMINAL OFFENCE TO HARM ANY DOMESTIC ANIMAL *****

Address of intended location of trap: _____

Refundable Deposit of \$50.00 is required PAID by cash ___ debit ___ cheque ___

Signature: _____

Name of complainant: _____

Address of Complainant: _____

Phone Number of Complainant: _____

TRAP RETURNED

DATE: _____

Deposit Refunded: Yes _____ No _____

Received by: _____

Remarks: _____
