

BYLAW NO. 8/2009

A BYLAW TO PROVIDE FOR THE CONTROL OF ANIMALS, 2009

The Council of the Town of Hanley enacts:

TITLE

1. This Bylaw may be cited as The Animal Control Bylaw, 2009.

PURPOSE

2. The purpose of this Bylaw is as follows:
 - (a.) to provide for the licensing of cats and dogs;
 - (b.) to control and regulate cats and dogs;
 - (c.) to provide for the impounding of cats and dogs that are at large;
 - (d.) to control and regulate pigeons;
 - (e.) to control and regulate exotic and wild animals;
 - (f.) to control and regulate livestock, poultry, cloven and hoofed animals, and exotic and wild animals as defined in Schedule D;
 - (g.) to control dangerous dogs.

PART 1

DEFINITIONS

3. In this Bylaw:
 - (a.) "Bylaw Enforcement Officer" means a person employed to enforce the provisions of this Bylaw;
 - (b.) "at large" means if the animal is off the premises of its owner, unless the animal is both on a leash and is under proper control;
 - (c.) "Town" means The Town of Hanley;
 - (d.) "Council" means the Council of The Town of Hanley;
 - (e.) "Court" means the Provincial Court of Saskatchewan established pursuant to The Provincial Court Act;
 - (f.) "flight pen" means any pen or enclosed run immediately adjacent to a loft, into which pigeons can only enter directly from the loft;
 - (g.) "loft" means any building or structure in which pigeons are housed or kept;
 - (h.) "owner" includes:
 - i. a person who owns or who has possession of, or control over, an animal; and
 - 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 harbouring an animal for the prevention, diagnosis or treatment of a disease of or an injury to the animal; and
 - iv. an animal shelter or pound operated by the Town or the SPCA;
 - (i.) "peace officer" any person appointed as a bylaw enforcement officer under Section 374(c) of Municipality Act.
 - (j.) "pigeon" means a bird of the species *Columbia livia*, commonly known as the domestic pigeon, and includes pigeons raised for the purpose of racing or for the purpose of show, but excludes feral or wild pigeons;
 - (k.) "pound" means the premises designated by the Town as the Town impoundment facility;
 - (l.) "Poundkeeper" means a person designated by the Town to administer the impoundment facility;
 - (m.) "public playground" means the area containing playground equipment in any park or Municipal Reserve owned by the Town or under the management and control of the Town;
 - (n.) "SPCA" means the Society for the Prevention of Cruelty to Animals;
 - (o.) "breeder" means a breeder of cats or dogs that has possession of, or control over, the animal(s) for a period of time less than one year for the purpose of breeding the animal(s);
 - (p.) "livestock" means a domesticated hoofed animal, or poultry, intentionally reared in an agricultural setting to produce things such as food or fiber, or for its labour.

PART 11

LICENSING

CAT AND DOG LICENSES REQUIRED

4. No person shall own or keep any cat or dog within the Town unless such cat or dog is licensed as provided in this Bylaw.

LICENSING OF CATS AND DOGS

5. Licensing
- (a.) Every owner of a cat or dog that is over four (4) months old shall within thirty (30) days of becoming the owner obtain a license for each cat or dog.
 - (b.) Every owner of a cat or dog shall, not later than the first day of February in each year, obtain an appropriate license for the dog or cat from the administrator of the Town and failure to do so shall constitute an offense under this bylaw enforced as set out in Schedule B. No dog or cat license issued by the Town in respect of a particular dog or cat, as per subsection 5(a), shall be transferable to any other dog or cat. The animals are licensed on a calendar year basis, and all licenses expire December 31 of that year.
 - (c.) When applying for a license under this Section, the owner shall provide the following:
 - (i.) a description of the cat or dog, including breed, name, gender and age;
 - (ii.) whether the animal has been spayed or neutered;
 - (iii.) the name, address and telephone number of the owner; and
 - (iv.) any other relevant information which may be required.
 - (d.) The owner shall be supplied with a current license tag and a receipt for payment of the license fee when a license is issued. The license tag must be renewed each year. The owner will be issued a replacement license tag if the current license tag is lost or destroyed and the owner shall be responsible for the replacement costs of \$5.00 per tag for 2009 to be reviewed annually pursuant to the cost of purchase.
 - (e.) The annual license fee for each cat or dog shall be as set out in Schedule A with the rates reviewed annually prior to the first day of January.

VALID LICENSE TAG ATTACHED

6. License Tag
- (a.) The owner of a cat or dog shall ensure that the cat or dog wears a collar to which is attached a valid license tag whenever the cat or dog is off the premises of the owner.
 - (b.) This Section shall not apply while a cat or dog is participating in a recognized cat or dog show, obedience trial or field trial.
 - (c.) In the event that a cat or dog has an identification tattoo or microchip, the license tag is not necessary, but this information must be provided to the Town Office prior to February 1 of each year along with the annual license fee as per subsection 5(e) of this bylaw.

EXEMPTIONS FROM LICENSING CATS AND DOGS

7. The following are exempted from the licensing provisions in Section 5:
- (a.) a store whose business includes the sale of pets and is licensed as such;
 - (b.) a research institution housing and using cats or dogs for research purposes; or
 - (c.) any breeder using cats or dogs for breeding purposes.
8. A person who owns and physically relies on a guide dog trained and used to assist such person shall obtain a license for the dog and there shall be no fee payable by the owner for the license.

PART III

REGULATION AND CONTROL OF CATS AND DOGS

CATS AND DOGS AT LARGE

9. Cats and dogs at Large
- (a.) A dog running at large shall mean an animal of which is beyond the boundaries of the land occupied by the owner of the said dog or beyond the boundaries of any lands where it may be with the permission of the owner or occupant of the said land and where it is not under control being:
 - i. In direct and continuous charge of a person competent to control the dog; or
 - ii. Securely confined within an enclosure; or
 - iii. Securely fastened by a leash or rope so that it cannot roam at will.

- (b.) A cat running at large shall mean an animal of which is beyond the boundaries of the land occupied by the owner of the said cat or beyond the boundaries of any lands where it may be with the permission of the owner or occupant of the said land and where it is not under control by being;
 - i. In reasonable direct and continuous charge of a person competent to control the cat.
- (c.) An animal running at large is an infraction of this bylaw and penalties will be enforced according to Schedule B.
- (d.) Animals running at large and captured by the Animal Control Bylaw Enforcement Officer will be returned to their owner immediately. Should the owner be away from their residence at the time of return, a notice will be placed on the owner's doorway with the phone number of where the animal can be collected from. Fees for animal storage will be charged as per Schedule C.
- (e.) Where an animal is found to be running at large, the owner or occupant of that property on which the animal is running at large may make a written complaint to the Animal Control Bylaw Enforcement Officer or at the Town Office on a Schedule E – Animal bylaw infraction report.

EXEMPTIONS FROM BEING AT LARGE

10. Notwithstanding Section 9, an owner may permit a dog to be at large in any of the off-leash areas as specified in Schedule F.

PROHIBITED AREAS

11. Prohibited Areas

- (a.) The areas listed in Schedule "F" are designated as areas where cats and dogs are not permitted, whether or not the cat or dog is on a leash.
- (b.) No person shall permit a cat or dog to be:
 - (i.) in a prohibited area listed in Schedule "F";
 - (ii.) on any public playground;
 - (iii.) in any posted area except for a specific activity approved by the Town.
- (c.) This Section shall not apply to a person who owns and is physically reliant on a guide dog trained and used to assist such person.

LITTER CLEANUP

12. Litter Clean Up

- (a.) An animal of which defecates on property other than that owned by the said animal's owner and is not removed within 5 minutes of occurrence is in violation of this bylaw and is subject to penalty as per Schedule B;
- (b.) Where an animal has defecated and the waste has not been removed within 5 minutes, the owner or occupant of that property on which the animal has defecated may make a written complaint to the Animal Control Bylaw Enforcement Officer or at the Town Office on a Schedule E – Animal Bylaw Infraction Report.
- (c.) This Section shall not apply to a person who owns and is physically reliant on a guide dog trained and used to assist such person.

ACCUMULATION OF ANIMAL FECES

13. Animal Feces

- (a.) An owner or occupant of private property must not allow animal feces to accumulate on the property so as to create a health hazard.
- (b.) A Bylaw Enforcement Officer may 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.
- (c.) If a notice under Subsection (b.) 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.
- (d.) A notice served by registered mail is deemed to have been received on the fifth day following the date of its mailing.
- (e.) The Town may remove the feces from the property if:
 - (i.) the person to whom the request is made fails to remove the feces within 72 hours; or
 - (ii.) after reasonable inquiry, the whereabouts of the owner or occupant of the property cannot be determined.
- (f.) If the Town carries out the work under Subsection (e.), the costs and expenses incurred are a debt due to the Town and the Town may recover the costs and expenses:
 - (i.) by action in a court of competent jurisdiction;
 - (ii.) in the same manner as municipal taxes;
 - (iii.) by adding the costs and expenses to, and thereby they form part of, the taxes on the land on which the work was done.

EXCESSIVE NOISE

14. (a) An animal creating excessive noise by barking, howling, hissing, moaning, whining or any other means between the hours of 10:00 p.m. and 7:00 a.m. is in violation of this bylaw and will be subject to penalty as per Schedule B;

- (b) Excessive noise shall also be described as any continuous noise created by an animal in excess of 30 minutes at any time of day.

ANIMAL LIMITS

15. Animal Limits:

- (a) An “Animal Caretaker” shall harbour no more than six (6) animals on any one property. If current owners with more than the limit have purchased 2009 licenses for all animals as of the day of passing this bylaw, they shall be grandfathered under a previous bylaw.
- (b) Failure to comply with the prescribed animal limits will result in penalty or animal confiscation as per Schedule B.
- (c) Exemption to animal limits may be made to individuals operating an animal kennel or be a breeder and will be subject to fees outlined in Schedule B “Kennel Permit”.
- (d) An Animal Kennel is described as a facility where the animals are all engaged in a facility from which they cannot leave without human help.

RABIES AND DISEASE

16. Rabies and Disease

- (a) any animal suspected of having rabies or any disease shall not be killed but shall be secured and quarantined by the owner for no less than 7 days and the matter immediately reported to a veterinary clinic with a letter from the veterinary clinic sent to the Town Office confirming the report;
- (b) Failure to comply with the prescribed procedure or any orders from the veterinary clinic is in violation of this bylaw and is subject to penalty or animal confiscation as per Schedule B.

PART IV

IMPOUNDING OF CATS AND DOGS

IMPOUNDING OF CATS AND DOGS

17. Impounding of Cats and Dogs

- (a.) Animals may only be impounded should they be in violation of any section of this bylaw which states it is appropriate to do so. Return of the animal to its owner is subject to the rules outlined in Schedule C;
- (b.) Fees charged for impound of an animal are to be collected prior to release of the animal in all cases and are payable to the animal control Bylaw Enforcement Officer;
- (c.) Impounded animals will be provided with food and water for the duration of the animal’s stay in the impound and the animal’s owner will be required to pay the fees outlined in Schedule C;
- (d.) Seizure of animals, in violation of the bylaw, from private property, will be performed in cooperation of the RCMP.
- (e.) The Poundkeeper shall keep all impounded cats and dogs for a period of at least ninety-six (96) hours, excluding the day of impounding. Statutory holidays shall not be included in the computation of the ninety-six (96) hour period.
- (f.) During this period, the owner may reclaim the cat or dog from the pound upon payment to the Poundkeeper of the fees set out in Schedule C.
- (g.) No unlicensed cat or dog which is impounded shall be released to its owner until a license has been purchased.
- (h.) If a cat or dog impounded is wearing a valid license tag, the Poundkeeper shall immediately notify the owner, by telephone or in writing, of the seizure of the cat or dog at the telephone number or address shown in the records. No liability whatsoever shall attach to the Town, the SPCA, or the Poundkeeper by reason of the failure of the owner to receive such notice.
- (i.) If a cat or dog is not reclaimed within the period set out in Subsection (a.), or if the owner of a cat or dog fails or refuses to comply within this period with the conditions set out in Subsections (b.) and (c.), the Poundkeeper may sell, destroy or otherwise dispose of the cat or dog.

CAT TRAPS

18. Cat Traps

- (a.) The Town will purchase two traps of which usage will be allowed pursuant to application for a permit as per Schedule G.
- (b.) Traps obtained or in use other than the traps in subsection 18.(a), shall be considered in contravention of this bylaw and be subject to the penalties included in Schedule B.

INTERFERENCE WITH ENFORCEMENT

19. 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 a Poundkeeper, Bylaw Enforcement Officer, or peace officer who is impounding any cat or dog in accordance with the provisions of this Bylaw.

PART V

CONTROL AND REGULATION OF PIGEONS

PIGEONS ON PROPERTY OF OWNER ONLY

20. The owner of a pigeon shall not permit the pigeon to perch or linger on the property of any person, except that of the owner.

LOFTS AND FLIGHT PENS FOR PIGEONS

21. Lofts and Flight Pens for Pigeons:
- (a.) No loft or flight pen shall be built closer than twenty (20) feet from any school, church, dwelling or premises used for human habitation or occupancy, other than the premises occupied by the owner of such loft or flight pen.
 - (b.) A loft shall be constructed so as to be dry, airy and bright inside and shall have adequate ventilation having regard to the number of pigeons kept therein.
 - (c.) A loft shall be kept in a reasonable state of repair.
 - (d.) The inside of a loft shall be disinfected at least twice each year, and at such other times as may be directed by an Animal Protection Officer to standards satisfactory to a Bylaw Enforcement Officer.
 - (e.) All lofts and flight pens shall be cleaned regularly of all excrement and refuse and shall be kept in a sanitary condition satisfactory to a Bylaw Enforcement Officer.
 - (f.) Every person who keeps pigeons shall allow an Animal Protection Officer at any time, to inspect the loft or flight pen in which such pigeons are housed and shall obey all lawful directives regarding same.
 - (g.) It shall be an offence for any person to fail to obey forthwith any lawful directive of a Bylaw Enforcement Officer.

EXEMPTIONS TO PIGEONS BEING INSIDE A LOFT OR FLIGHT PEN

22. No person shall permit pigeons owned or under the person's control to be outside the loft or flight pen except:
- (a.) for the purpose of supervised exercise to achieve and maintain muscular condition, provided exercise does not exceed three hours per day: or
 - (b.) for the purpose of returning to the loft or flight pen from a supervised race or training flight.

PART VI

CONTROL AND REGULATION OF EXOTIC, WILD ANIMALS AND LIVESTOCK

OWNING AND HARBOURING EXOTIC, WILD ANIMALS OR LIVESTOCK.

23. Owning and Harboursing Exotic, Wild Animals or Livestock
- (a.) 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.

EXEMPTIONS TO OWNING AND HARBOURING EXOTIC AND WILD ANIMALS

24. Section 21(a.) does not apply to prohibit the harbouring of an animal or a hybrid of an animal of the kind listed in Schedule D in the following places or circumstances:
- (a.) in a veterinary clinic under the care of a licensed veterinarian;
 - (b.) 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.

PART VII
OFFENCES AND PENALTIES

FINES AND PENALTIES

25. Fines and Penalties
- (a.) Owners of animals in contravention of bylaw will receive one warning.
 - (b.) All fines and penalties with the exception of Impound Fees will be payable to the municipality **within thirty (30) days** from the date of issue.
 - (c.) All fines and penalties **not paid within the thirty (30) day** grace period will be subject to 2% per month compounded monthly until paid.
 - (d.) **All unpaid fines and penalties** which remain unpaid beyond 180 days from the date of issue will be collected through court action and will result in the “Animal” being surrendered to an ANIMAL CONTROL AGENCY (i.e. SSPCA or HUMAINE SOCIETY)
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PART VIII
MISCELLANEOUS

DESIGNATED POUNDKEEPER

26. The Poundkeeper is the individual acknowledged by resolution of Council.

APPOINTMENT OF BYLAW ENFORCEMENT OFFICERS

27. Bylaw Enforcement Officers
- (a.) Any person employed by the Town of Hanley as a Bylaw Enforcement Officer shall be deemed and is appointed to be a bylaw enforcement officer under Section 373 of *The Municipalities Act*;
 - (b) A bylaw enforcement officer appointed under this Section may enforce this Bylaw within the Town and may perform any other duties that may be imposed by any other bylaw regarding the control, licensing and regulation of animals;
 - (c) The Council will review and appoint an animal control Bylaw Enforcement Office at the January council meeting of every year.
 - (d) The Council reserves the right to hire this designation to an individual or corporation as they deem necessary.
28. **Disobey a Bylaw Enforcement Officer**
- (a) It shall be an offence for any person to harass, threaten, and use excessive profanity or to disobey a Bylaw Enforcement Officer.

No person, whether or not he is the owner of a dog or cat which is being or has been pursued or seized shall:

- i.) **Interfere with or attempt to obstruct a Bylaw Enforcement Officer who is attempting to seize or has seized any dog or cat in accordance with the provisions of this Bylaw.**
- ii.) **Unlock or unlatch or otherwise open the vehicle in which dogs or cats seized under this Bylaw has been placed, so as to allow or attempt to allow any dog or cat to escape therefrom.**
- iii.) **Removed or attempt to remove any dog or cat from the possession of the Bylaw Enforcement Officer.**

Penalty:

Disobey Bylaw Enforcement Officer..... \$100.00

COMPLAINTS

29. Complaints
- (a) Complaint from individuals in regards to the section of this bylaw must be placed in writing by completing a Schedule E – Animal Bylaw Infraction Report and submitted to the Town Administrator or Bylaw Enforcement Officer.
The identity of the complainant will be kept confidential to protect the innocent.

DANGEROUS DOGS

30. This section in regards to Dangerous Dogs shall be pursuant to “Division 5” of *The Municipalities Act*.
(a.) Failure to comply with this section of the bylaw will result in penalties as per Schedule B.

REPEAL

31. That we repeal Bylaw No. 7/2009 (formerly Bylaw 3/86).

COMING INTO FORCE

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

Mayor

(SEAL)

Administrator

Certified True Copy of Bylaw No. 8/09
Adopted by Resolution of Council on
The 14th day of September, A.D. 2009

Administrator

Schedule A – Animal License Fees

Dog	– Male Neutered	\$25.00
	- Male Not Neutered	\$25.00
	- Female Spayed	\$25.00
	- Female Not Spayed	\$25.00
Cat	– Male Neutered	\$25.00
	- Male Not Neutered	\$25.00
	- Female Spayed	\$25.00
	- Female Not Spayed	\$25.00

Schedule B – Fines and Penalties

The Number of Offences Are Accumulated From January 1 to December 31 of each Calendar Year

Description of Fine or Penalty	1 st Offence	2 nd Offence	3 rd Offence
Failure to License Animal	Warning	\$50.00	\$100.00
Unlicensed Animal	Warning	\$50.00	\$100.00
Running At Large	Warning	\$50.00	\$100.00
Excessive Noise	Warning	\$50.00	\$100.00
Failure to Remove Defecation	Warning	\$50.00	\$100.00
Animal Over limit (per animal over limit)	Warning to remove animal(s) over limit within 30 days.	\$50.00	\$100.00
Kennel Permit (per year)	\$100.00	N/A	N/A
Neglected Animals	*Note 1		
Illegal Cat Traps (those not obtained from Town Office)	\$100.00		

Note 1 – Reports of suspected neglected Animal will be forwarded to the RCMP and an ANIMAL CONTROL AGENCY (i.e. SSPCA or HUMAINE SOCIETY)

Habitual offenders will be reviewed by the Town.

Schedule C – Impound Fees

Impound Charge - \$25.00 per incident
Daily Rate - \$10.00 (in addition to impound charge)

(Charges and Rates based on a 24 hour period, 12:00 p.m. to 12:00 p.m.)

Schedule D – Restricted Animals

Restricted Animals (includes a crossbreed “Animal” with a majority of the named breeds):

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

- all Arachnids dangerous to humans (such as scorpions and tarantulas, except tarantulas of the genera Aphonopelma, Avicularia and Grammostola)
- all Artiodactyl Ungulates (such as pigs, peccaries, hippopotamuses, camels, chevrotains (mouse deer), deer, giraffes, pronghorn, antelopes, sheep, goats, and cattle)
- 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 Galloanserae, Galliformes (such as chickens, quails and turkeys) and the family Anatidae (in order Anseriformes), commonly known as "waterfowl" (e.g. domestic ducks and domestic geese).
- 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 Perissodactyls Ungulates, including equids (such as the domestic horse, tapirs, rhinoceros, mule and ass)
- all Pinnipeds such as seals, fur seals and walruses)
- 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 Amphibians
- 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 – Animal Bylaw Infraction Report

Date Of Occurrence: (yyyy/mm/dd)

Estimated Time of Occurrence:

Animal Description:

(include type, colour, size and license number if available)

Suspected Animal Caretaker: (if available)

Description of Incident:

Evidence Collected: (pictures, additional witnesses, video, audio recording)

Name of Complainant:

(will be kept confidential unless
otherwise ordered by court of law)

Signature of Complainant:

For Office Use Only

Enforcement Action:

Enforcement Date:

SCHEDULE F

OFF-LEASH AND PROHIBITED AREAS

OFF-LEASH AREAS

A South portion of Parcel A, otherwise known as the “Gymkhana” area at the Fairgrounds, within the fenced area.

PROHIBITED AREAS

- 1) The portion of the South West Quarter of Section 31, Township 04, Range 3, West of the Third Meridian that is known as the “Airstrip”.
- 2) The children’s area of the campground.

SCHEDULE G
TOWN OF HANLEY
CAT TRAP PERMIT

COMPLAINANT: _____ DATE: _____

TERMS OF ISSUANCE OF TRAP:

The complainant shall:

1. Personally check the trap each hour while the trap is set.
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 ___ PAID by cheque__

Signature: _____

Name of Complainant: _____

Address of Complainant: _____

Phone Number of Complainant: _____

TRAP RETURNED

Date: _____

Deposit Refunded: Yes ___ No ___

Received by: _____

Remarks: _____
