

BYLAW NO. 2014-01

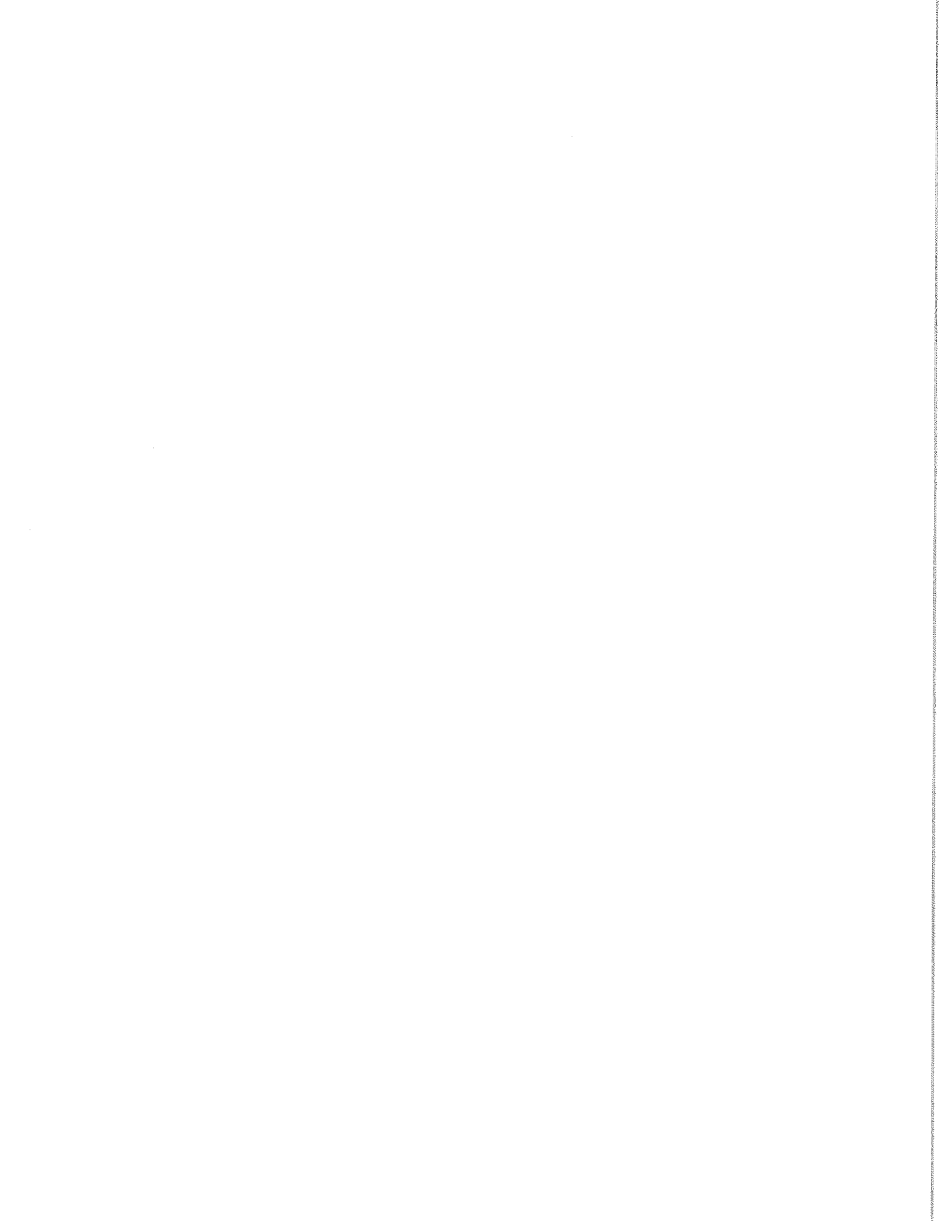
- Village of Sedley Animal Control Bylaw -

The Council of the Village of Sedley in the Province of Saskatchewan enacts as follows:

- 1) This Bylaw may be cited as The Animal Control Bylaw
- 2) The purpose of this bylaw is as follows:
 - a) To provide for the licensing of 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 exotic, farm and wild animals.

Part I
Definitions

- 3) In this Bylaw:
 - a) 'Animal Control Agency' means the Village of Sedley that administers and enforces this Bylaw;
 - b) 'Animal Protection Officer' means a person employed by the Animal Control Agency or Poundkeeper to enforce the provisions of this Bylaw;
 - c) 'at large' means if the animal is off the premises of its owner, unless the animal is both on a leash not exceeding Two (2) metres in length and is under proper control;
 - d) 'Council' means the Council of the Village of Sedley;
 - e) 'Court' means the Provincial Court of Saskatchewan established pursuant to *The Provincial Court Act*;
 - f) 'Farm animal' means chickens, geese, ducks, roosters, horses, cows, pigs (excluding potbellied pigs), pigeons, and other fowl species;
 - g) '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 the animal;



but does not include:

- a) 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,
- b) An animal shelter or pound operated by the Village or the SPCA;
- h) 'peace officer' means any member of the RCMP and any person appointed as a bylaw enforcement officer under Section 373 of *The Municipalities Act*;
- i) 'pound' means the premises designated by the Village of Sedley as the Village impoundment facility;
- j) 'Poundkeeper' means a person designated by the Village to administer the pound;
- k) 'public playground' means the area containing playground equipment in any park or Municipal Reserve owned by the Village or under the management and control of the Village;
- l) 'SPCA' means the Saskatchewan Society for the Prevention of Cruelty to Animals.
- m) 'Village' means the Village of Sedley.

Part II Licensing

- 4) a) No person shall own or keep any dog within the Village unless such dog is licensed as provided in this Bylaw.
- b) Any person who contravenes Subsection (a) is guilty of an offence and liable to a fine of \$50.00.
- 5) a) Every owner of a dog that is over three (3) months old shall within thirty (30) days of becoming the owner obtain a license for each dog.
- b) The license referred to in Subsection (a) shall not be transferable.
- c) The license period is for the period of January 1st to December 31st each year. The license shall expire at midnight on December 31st each year. Licenses are not prorated. The owner shall renew the license on or before January 31st each year.
- d) When applying for a license under this Section, the owner shall provide the following:
 - i) A description of the dog, including breed, name, gender and age;
 - ii) The name, address and telephone number of the owner; and
 - iii) Any other relevant information which may be required.

- e) 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 may be issued 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.
- f) The annual license fee for each dog shall be \$20.00 per year.
- 6) a) The owner of a dog shall ensure that the dog wears a collar to which is attached a valid license tag when the dog is off the premises of the owner.
- 7) The following are exempted from the licensing provisions in Section 5:
 - a) The Animal Control Agency and the Poundkeeper; and
 - b) The SPCA.
- 8) a) 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

- 9) a) No owner of a cat or dog shall permit the cat or dog to be at large.
 - b) If a dog or cat is found to be at large the owner shall be deemed to have permitted the cat or dog to be at large unless the owner proves to the satisfaction of the court that at the time of the offence the owner did all that was reasonable to prevent the cat or dog from being at large.
- 10) a) If a cat or dog defecates on any public or private property other than the property of its owner, the owner of the cat or dog shall remove the defecation immediately.
- 11) 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) An Animal Protection 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 regular mail to the owner of the property at the mailing address shown on the last revised assessment roll of the Village.
 - d) A notice served by regular mail is deemed to have been received on the fifth day following the date of its mailing.
 - e) The Village 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 Village carries out the work under Subsection (e), the costs and expenses incurred are a debt due to the Village and the Village may recover the costs and expenses:
 - i) By action in a court of competent jurisdiction;
 - ii) In the same manner as municipal taxes; or
 - 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.
- 12) No owner of a cat or dog shall permit the cat or dog to bark or howl so as to create a nuisance.

Part IV Impounding of Cats and Dogs

- 13) a) An Animal Protection Officer, Poundkeeper, peace keeper or another person assigned by Council may seize and impound any cat or dog that is at large.
 - b) An Animal Protection Officer, Poundkeeper or another person assigned by Council may enter onto the land surrounding any building in pursuit of any cat or dog which is found at large.
- 14) 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, Animal Protection Officer or another person assigned by Council who is impounding any cat or dog in accordance with the provisions of this Bylaw.

Impounded Cats and Dogs

- 15) a) 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
- b) 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 No. 1.
- c) No unlicensed dog which is impounded shall be released to its owner until a license has been purchased.
- d) If a 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 dog at the telephone number or address shown in the records. No liability whatsoever shall attach the Village, the SPCA or the Poundkeeper by reason of the failure of the owner to receive such notice.

- e) If a cat or dog is not claimed 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 Subsection (b) and (c), the Poundkeeper may dispose of the cat or dog.

Part VI
Control and Regulation of Exotic, Farm and Wild Animals

- 16) a) No person shall own or harbour any animal, or hybrid of any animal, of the kind listed in Schedule No. 2 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 No. 2.
- 17) Section 16(a) does not apply to prohibit the harbouring of an animal or a hybrid of an animal of the kind listed in paragraphs (r) and (s) of Schedule No. 2 on property owned by a school division where such animals are being kept for study or teaching purposes.

Part VII
Offences and Penalties

General Penalty

- 18) a) Except as otherwise provided in this bylaw, every person who contravenes any provision of this bylaw guilty of an offence and liable on summary conviction:
 - i) in the case of an individual, to a fine of not less than the mandatory minimum fine prescribed in Schedule No. 4 and not more than \$2,000; and
 - ii) in the case of a corporation, to a fine of not less than the mandatory minimum fine prescribed in Schedule No. 4 and not more than \$5,000.
- b) Notwithstanding Subsection (a), if no Notice of Violation has been issued for a period of three years or more in relation to a contravention, then a subsequent contravention of that section of the bylaw is deemed to be a first offence.
- c) Any person convicted of an offence under Part VI shall, within ten (10) days thereafter, deliver all animals of the kind listed in Schedule No. 2 owned, kept or harboured by that person to the Poundkeeper and they shall become the property of the Village and shall be donated to an approved agency or humanely euthanized.
- d) Any person who fails to deliver an animal as required by Subsection (b) is guilty of an offence and liable on summary conviction of the penalty contained in Subsection (a).
- e) The Court may, in default of payment of a fine imposed under this bylaw, order imprisonment of an individual for a term not exceeding one year.

Voluntary Payment to Avoid Prosecution

- 19) a) Notwithstanding Section 18, a person who contravenes Sections 4, 6, 9, 10, 10.2, 11, 13, 14, 15, 19, 20 21, or 21.1 upon being served with a Notice of Violation as specified in Schedule No. 3 may voluntarily pay the prescribed penalty in Schedule No. 9 at the Village Office, 117 Broadway Street, Sedley, Saskatchewan.
- b) For the purpose of determining the prescribed penalty required by Subsection (1), the number of prior offences shall be determined by the number of prior Notices of Violation issued in relation to the specified contravention, with the exception of those which have been cancelled or dismissed by the Court.
- c) If the Chief Administrative Officer received voluntary payment of the prescribed penalty within the time limit specified on the Notice of Violation, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
- d) Nothing in this Section shall be construed to prevent any person from exercising the right to defend a charge for a contravention of this Bylaw.
- e) A notice of Violation as specified in Schedule No. 3 may be issued by a peace officer, the Animal Control Agency or the Poundkeeper.
- f) A person to whom a Notice of Violation is being issued under this Section shall, upon request by the person issuing the Notice of Violation, provide their name, address and date of birth. Any person who fails to provide this information is guilty of an offence and liable on summary conviction to the penalty contained in Section 18.

Part VIII

Miscellaneous

- 20) a) The Chief Administrative Officer is designated as the Poundkeeper
- b) The Regina Humane Society is designated as the Animal Control Agency.
- c) The Animal Control Agency or Poundkeeper are authorized to delegate the enforcement of this Bylaw to their employees.

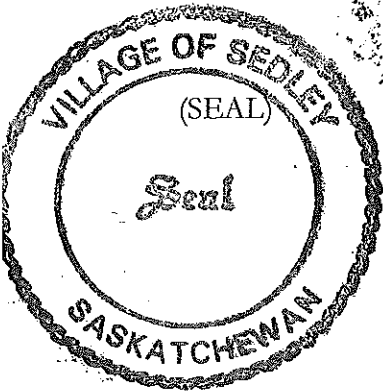
Coming into Force

- 21) This Bylaw comes into force on the day of its final passing.
- 22) Bylaw 009/07 is repealed on the same day as this Bylaw comes into force.

READ A FIRST TIME THIS 18 DAY OF March, 20 14

READ A SECOND TIME THIS 22 DAY OF April, 20 14

READ A THIRD TIME AND PASSED THIS 22 DAY OF April, 20 14



Julius

Chief Administrative Officer

[Signature]

Mayor

Schedule No. 1

Impoundment Fees for Cats and Dogs

Pound Fee: \$100.00

Care & Sustenance Fee: \$10.00 per day or a portion thereof commencing at 12:00 a.m. on the day immediately following the day of impoundment.

Schedule No. 2

Prohibited Animals

The following is a list of animals the keeping of which is prohibited within the Village of Sedley:

- a) All Arachnids dangerous to humans (such as scorpions and tarantulas, except tarangulas of the genera Aphonopelma, Avicularia and Grammostola);
- b) All Artiodactylus Ungulates (such as goats, sheep, cattle, pigs and llamas)
- c) All Bats;
- d) All Canids, except the domestic dog;
- e) All Edentates (such as anteaters, sloths and armadillos)
- f) All Elephants;
- g) All Felids, except the domestic cat;
- h) All Hyaenas;
- i) All Marsupials (such as kagaroo and opossums);
- j) All Mustelids (such as skunks, weasels, otters and badgers) except the domestic ferret
- k) All non-human Primates (such as gorillas and monkeys);
- l) All Perissodactylus Ungulates (such as horses, donkeys, mules and asses);
- m) All Pinnipeds (such as seals, fur seals and walruses);
- n) All Procyonids (such as raccoons, coatis and cacomistles);
- o) All Raptors, diurnal and nocturnal (such as eagles, hawks and owls);
- p) All Ratite Birds (such as ostriches, rheas, and cassowaries);
- q) All Galliformes (such as chickens, turkeys, grouse, quails and pheasants);
- r) All Anseriformes (such as ducks and geese)
- s) All snakes of the families Pythonidae and Boidae;
- t) All Ursids (bears);
- u) All venomous Reptiles and Amphibians;

v) 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 No. 3

Sedley

Village of Sedley
 Notice of Violation of
 Animal Control Bylaw

This official Notice of Violation is issued for breach of Bylaw No. 2014-01 (The Animal Control Bylaw)

Offence

Section 4 → Failure to license an animal → Section 13 → failure to remove feces

Section 6 → Failure to display license → Section 14 → accumulation of feces

Section 9 → Being at large → Section 15 → barking or howling

Other (specify)

If the penalty indicated above is not received by _____
 A summons required your appearance in Court may be issued.

Date → Time → License No.

Description of Animal → Male/Female

Location of Offence

Name of Owner → Address

Issuer

Penalty → _____

No. →

Penalty may be paid in person at the Office, Village of Sedley, Sedley, SK, S0G-4K0 on any day during office hours, or by mail (cheque or money order only) and must be accompanied by this stub.

After Hours Deposit
 Village Office, to the right hand side of the Office door

Important
 Return this stub with payment

Schedule No. 4

Minimum Fines Pursuant to Section 18

Offence	Minimum Fine		
	1 st Offence	2 nd Offence	Subsequent
Failure to license dog (Section 4)	\$50	\$75	\$100
Failure to attach valid license tag when dog is off the premises of the owner (Section 6)	\$20	\$30	\$50
Cat or dog at large (Section 9)	\$0	\$100	\$300
Failure to immediately remove dog or cat excrement (defecation) from public or provide property other than the property of the dog or cat's owner (Section 10)	\$50	\$100	\$200
All animal feces to accumulate on private property (Section 11)	\$50	\$100	\$200
Cat or dog creating a nuisance by barking or howling (Section 12)	\$50	\$100	\$200
Failure to obey order of Animal Protection Officer (Section 13)	\$100	\$200	\$300

Schedule No. 5

Minimum Fines Pursuant to Section 18

Offence	Minimum Fine		
	1 st Contravention	2 nd Contravention	Subsequent
Failure to license dog (Section 4)	\$50	\$75	\$100
Failure to attach valid license tag when dog is off the premises of the owner (Section 6)	\$20	\$30	\$50
Cat or dog at large (Section 9)	\$0	\$100	\$300
Failure to immediately remove dog or cat excrement (defecation) from public or provide property other than the property of the dog or cat's owner (Section 10)	\$50	\$100	\$200
All animal feces to accumulate on private property (Section 11)	\$50	\$100	\$200
Cat or dog creating a nuisance by barking or howling (Section 12)	\$50	\$100	\$200
Failure to obey order of Animal Protection Officer (Section 13)	\$100	\$200	\$300