

Town of Carnduff

BYLAW NO. 472-15

Licensing, Prohibiting, Regulating and Control of Animals Bylaw

A BYLAW FOR LICENSING, PROHIBITING, REGULATING AND CONTROL OF ANIMALS.

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

Short Title

1. This bylaw shall be cited as “The Animal Control Bylaw”.

Purpose

2. The purpose of this Bylaw is to promote the safety, health and welfare of people and the protection of people and property in the Town of Carnduff, and to ensure the humane treatment and control of animals.

Definitions

3. In this Bylaw:
 - a) “Assist Dog” means a dog used to assist persons with disabilities or dogs used by the Royal Canadian Mounted Police.
 - b) “Dogs” or “Cats” include all species of the animals commonly known as dogs or cats, male or female, and of every breed or classification or mixture of breeds.
 - c) “Owner” means any persons, partnership, association, or corporation owning, possessing, harboring, having charge of or control over any animal, and includes a keeper of a dog or cat.
 - d) “Running at large” means:
 - (i) being on public property unaccompanied by any person; or
 - (ii) being on public property accompanied but not under the “complete” control of a person by means of a leash suitable to the size and strength of the animal; or
 - (iii) being on private property unaccompanied or accompanied by any person but not under the complete control of a person by means of a leash suitable to the size and strength of the animal where the property owner has not given permission to the owner of the animal.

Licensing of Dogs

4. No owner of any dog shall be in possession of a dog unless such dog has been licensed. No dog under the age of three months shall require a license. The license shall be a yearly annual fee.
5. Registration of dogs and payment of dog license fees shall be made at the administration office of the Town of Carnduff.
6. The license fee shall be in accordance to “Schedule A”.
7. Upon payment of the license fee, the Town of Carnduff will issue a tag that bears a serial number. The owner shall ensure that a collar and the tag issued are worn by the dog when the animal is off the premises of the owner.
8. No unauthorized person shall remove a collar or tag from a dog.

Impounding of Dogs and Cats

9. No owner shall permit any dog or cat to be running at large in the Town of Carnduff.
10. The Town Council is authorized to appoint an animal control officer or bylaw enforcement officer to restrain and impound any dog found running at large in the Town of Carnduff.
11. When any dog or cat is captured and impounded, the Town of Carnduff shall post a notice on the Notice Board at the Town Office, giving a description of the said dog or cat, the date when it was impounded and the date and hour when it will be sold or destroyed. Such notice shall be posted seventy-two hours before the said sale or destruction.
12. Pound Fees shall be all charges that the Pound Keeper may impose, as prescribed in “Schedule A”.

Duties of Dog and Cat Owners

13. No owner or keeper of a dog or cat shall permit their dog(s) or cat(s) on any school ground, playground or posted area except when the owner or keeper is attending a recognized training or obedience school for training the dog or cat.
14. No owner or keeper shall permit their animals to chase any pedestrian, vehicle or any other animal on a public thoroughfare.
15. A female dog or cat in heat shall be confined and housed in the residence of the owner or person having control of the dog or cat or taken to a licensed kennel during the whole period that the dog or cat is in heat, except that a female dog or cat may be allowed outside the said residence for the sole purpose of permitting the dog or cat to defecate and urinate on the premises of the owner.
16. A kennel owner shall not locate a dog run closer than two meters to a property line.
17. If a dog or cat defecates on any public property other than the property of its owner, the owner or keeper shall cause such defecation to be removed immediately. Where the owner of a dog or cat fails to remove such defecation immediately, the owner shall be in violation of this bylaw.
18. No owner or keeper shall permit his dog(s) or cat(s) to damage public or private property.
19. Every owner of a dog or cat shall provide his or her dog(s) or cat(s) with a collar.
20. No owner shall use a choke chain on a dog or cat except when walking a dog or cat on a leash.
21. No person shall keep an animal within the town tethered on a chain, rope or similar restraining device of less than three meters in length.
22. Every person who has tethered an animal shall ensure the animal has unrestricted movement within the range of the tether.

Dog Runs

23. Where a dog is housed or kept in a dog run, the owner shall ensure that the dog run is kept in a sanitary condition, to protect the health and safety of the animal.
24. An owner shall ensure a dog run on the owner's property is located no closer than two meters to a property line.
25. An owner shall ensure that a dog run on the owner's property is constructed of material of sufficient strength and in a manner adequate to confine the dog and prevent the entry of children under twelve years of age.
26. If, in the opinion of a building official or police officer the condition or location of a dog run is not in accordance with this bylaw, the owner of the property on which the dog run is located may be ordered to clean, alter, demolish or relocate the dog run within a specified time period.
27. The person to whom the order is issued pursuant to section 25 shall comply with the order within the time specified in the order.
28. An order to relocate a dog run issued pursuant to section 25 will allow the owner of the property on which the dog run is located at least 30 days to relocate or remove the dog run.

Cat Traps

29. A person bothered by a cat being at large may make application with the Town of Carnduff to receive a cat trap. Application for cat traps must be made by completing Schedule "B", attached hereto and forming a part of this bylaw. Only traps approved and distributed by the Town may be used.
30. Where a cat trap is issued, the permittee shall:
 - a. Place the cat trap only on the permittee's property;
 - b. Personally check the trap at least once each hour while the trap is set;
 - c. When a cat is trapped, contact the Town Office;
 - d. Not use the trap when the temperature is:
 - i. 0°C or less; or
 - ii. 28°C or more
 - e. Return the cat trap to the Town of Carnduff within 72 hours of the cat trap being issued; and
 - f. Pay for the cost of repair or replacement of the cat trap if the issued cat trap is damaged, lost or stolen.
31. When a cat has been trapped in a cat trap, the permittee shall, for as long as and until the Town of Carnduff can collect the cat or the cat can be conveyed to the pound:

- a. Hold the cat for no longer than 24 hours;
 - b. Treat the cat humanely;
 - c. Provide shelter for the cat in a warm, dry and secure area; and
 - d. Provide food and water for the cat
32. If a permittee cannot comply with the conditions in section 30, the permittee must release the trapped cat unharmed.

General

33. No person shall possess or harbor more than four dogs or four cats or a combination of both, for a total of four over the age of six months, except for dogs or cats kept in the ordinary course of business by the proprietors of the following premises:
- a. A veterinary hospital, clinic, or boarding kennel or grooming parlor
 - b. A public pound
 - c. A shop or breeder whose business includes the sale of pets
 - d. A shelter operated by an association or society incorporated for the purpose of the protection and humane treatment of animals
34. No person shall tease, entice, bait, or throw objects at a dog or cat confined within its owner's property.
35. The operation of any kennel within the Town of Carnduff shall be subject to approval from the Medical Health Officer for the Sun Country Health Region, and the kennel shall comply with the provisions of any Town of Carnduff bylaws.
36. Where any dog or cat is suspected of having rabies, such dog or cat shall not be killed but shall be secured and isolated for ten days and the matter immediately reported to the Medical Health Officer for the Sun Country Health Region whose instructions shall be carried out.
37. In cases of emergency for any cause, but more particularly for infectious disease caused by dogs or cats, the Medical Health Officer is hereby authorized to order that no owner or other person shall suffer or permit his dog or cat to be on any place beyond or outside the boundary of the place of the dwelling of the owner or other person at any time, whether on a leash or under proper control, until such order is revoked or cancelled, and the Medical Health Officer may order compulsory inoculation of dogs or cats.
38. No owner of a dog or cat shall permit his animal to be or become a nuisance by barking or howling or emitting other sounds continuously for a period exceeding ten minutes.
39. The Animal Control Officer, Bylaw Enforcement Officer or any authorized Town of Carnduff representative may capture pests within the corporate limits of the Town of Carnduff and impound, destroy or otherwise dispose of such pest according to the Animal Protection Act of Saskatchewan.

Other Animals

40. It shall be unlawful to keep live poultry, livestock and/or bees within the boundaries of the Town of Carnduff.
41. No person shall own or harbor any animal, or hybrid of any animal, of the kind listed in "Schedule C" for any purpose.
42. 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 harbors any animal or hybrid of any animal of the kind listed in "Schedule C".

Violations

43. Where the administration office or any authorized Town of Carnduff representative believes that a person has contravened any provisions of this Bylaw, he/she may serve upon such person a Bylaw Violation Notice as provided by this section either personally or by mailing or leaving same at his last known address and such service shall be adequate for the purpose of this Bylaw.
44. Such notice shall be deemed to have been served:
- a) On the expiration of twenty-four hours after it is posted, or the notice is mailed;
 - b) On the day of actual delivery, if the notice is served personally; or
 - c) On the business day following the transmission, if given by facsimile.
45. A Bylaw Violation Notice shall be in such form as determined in "Schedule D" and shall state the section of the Bylaw, which was contravened, and the amount, which is provided in "Schedule E" that will be accepted by the Municipality in lieu of prosecution.

46. Upon production of a Bylaw Violation Notice issued pursuant to this section within thirty (30) days from the issue thereof, together with the payment of the fee as provided in “Schedule E” to the Administration Office of the Town of Carnduff, the person to whom the ticket was issued shall not be liable for prosecution for the contravention in respect of which the ticket was issued.
47. Where any person contravenes the same provision of this Bylaw two or more times within one twelve month period, specified payment payable in respect of the second or subsequent contravention is double the amount shown in “Schedule E” of this bylaw in respect of the provision.
48. Notwithstanding the provisions of this section, a person to whom a Bylaw Violation Notice has been issued pursuant to this section may exercise his right to defend any charge of committing a contravention of any of the provisions of this Bylaw.
49. Every person who contravenes any provision of this bylaw is guilty of an offence and liable on summary conviction to a fine of not more than \$2,000 in the case of an individual or \$5,000 in the case of a corporation.
50. Every person who contravenes any provision of Section 42 is guilty of an offence and liable on summary conviction:
 - a) In the case of an individual, to a fine of not more than \$2,000.00.
 - b) In the case of a corporation, to a fine or not more than \$5,000.00; and
 - c) In the case of a continuing offence, to a maximum daily fine of not more than \$500.00 per day.

Repeal of Former Bylaws

51. Bylaw No. 363-02, Regulation of Dogs and Bylaw No. 396-08, Restricted Breeds of Dogs, and all amendments thereto are hereby repealed.

Coming Into Force

52. This bylaw shall come into force and takes effect on the date of its final passing.

Mayor

(Seal)

Administrator

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**Schedule “A”
Fees**

Description	Fee
Licensing of Assist Dogs	No Charge
Licensing All Dogs, other than Assist Dogs	\$20.00 Annual Fee
Pound Fees; Cats or Dogs	All applicable pound fees due upon release of the dog or cat.

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**Schedule “B”
Cat Trap Application Form**

Date: _____

Trap #: _____

Civic address of intended location of Trap:

I, the undersigned, agree to the following terms and conditions:

- The cat trap will be placed only on my property within the Town of Carnduff.
- I will personally check the cat trap at least once every hour while the trap is set.
- When a cat is trapped, I will contact the Town Office immediately if it is during regular office hours.
- When a cat is trapped, I will treat it humanely. I will also provide shelter, food and water for the trapped cat. I will leave the cat in the trap and I will place the trap in a warm, dry and secure area (such as a shed, garage or basement) with a blanket placed over the trap to pacify the cat. If I cannot comply with these condition, I will free the trapped animal unharmed.
- I will not allow harm to come to any trapped cat while in my possession including exposure to inclement weather.
- I will not use the cat trap when the temperature falls below 0°C or rises above 28°C.
- I give my permission to the Town of Carnduff to enter onto my property to ensure the cat trap is being used properly.
- I will advise the Town of Carnduff of the name and address of the owner of the trapped cat, if known.
- I will pay the cost to repair or replace the cat trap if it is damaged, lost or stolen while in my possession.
- I will not set the trap on statutory holidays or days when the Town Office is closed.
- I will return the cat trap to the Town of Carnduff within 72 hours after the cat trap was issued.

It is as serious offence to harm any domestic animal.

I understand and accept all liability that may arise in connection with the use of this cat trap while it is in my possession and will save and indemnify the Town of Carnduff for all such liability.

Signature: _____

Name of Permittee: _____
(please print clearly)

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Schedule “C”

Animals Prohibited from being kept within the Town of Carnduff

- All arachnids dangerous to humans (such as scorpions and tarantulas, except tarantulas of the genera Aphonopelma, Avicularia and Grammostola)
- 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 Hyenas
- 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 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 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.

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Schedule "D"
BYLAW VIOLATION NOTICE

TOWN OF CARNDUFF
BYLAW VIOLATION NOTICE

Reference Number _____

Name	
Address	

This official notice is issued for alleged breach of the following bylaw:

Bylaw No. _____	
Section #:	
Offence:	
Voluntary Payment:	

DETAILS OF ALLEGED BREACH OF VIOLATION:

Date of Violation:	
Time of Violation:	
Location of Violation:	
Other Particulars:	

PENALTY:

Take notice that you may remit a voluntary payment to the Town of Carnduff in the amount stipulated above to avoid prosecution for this offence.

Payment may be made in person at the municipal office or by mail to: Town of Carnduff, Box 100, Carnduff, SK, S0C 0S0.

If the voluntary payment indicated above is not received by _____, a summons requiring your appearance in provincial court will be issued.

Issued this _____ by _____.

Signature of Designated Official

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Schedule "E"
Voluntary Payment Schedule

Section of Offence:	Offense:	Amount
Section 4	Unlicensed Animal	\$100.00
Section 8	Removing License Tag	\$50.00
Section 9	Running at Large	\$100.00
Section 12	Prohibited Areas	\$50.00
Section 13	Chasing Other Animals or Vehicles	\$100.00
Section 14	Failure to Keep Animal in Heat Housed	\$100.00
Section 16	Failure to Remove Defecation	\$100.00
Section 16	Damage to Public/Private Property	\$100.00
Section 22	Unsanitary Dog Runs	\$100.00
Section 25	Failure to Clean, Alter, Demolish or Relocated Dog Run	\$250.00
Section 30	Inhumane Treatment of Trapped Cats	\$100.00
Section 33	Teasing an Animal	\$100.00
Section 37	Causing a Nuisance to Others	\$50.00
Section 39 & 40	Other Animals	\$100.00
	Any Other Section of this Bylaw	\$50.00
For any reoccurrence of offenses by one animal owner within one calendar year:		
	2 nd Offence	2 times listed penalty