

# TOWN OF FORT QU'APPELLE

## BYLAW NO. 13 - 2022

### A BYLAW OF THE TOWN OF FORT QU'APPELLE TO REGULATE AND CONTROL ANIMALS AND PESTS WITHIN THE TOWN

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WHEREAS the Town of Fort Qu'Appelle is empowered by Section 8{1}(b) and (k) of *The Municipalities Act* to regulate and control of animals and pests within the Town of Fort Qu'Appelle, the Council of the Town of Fort Qu'Appelle enacts as follows:

#### TITLE

1. This Bylaw may be referred to as "The Animal and Pest Control Bylaw".

#### DEFINITIONS

2. In this Bylaw unless the context otherwise requires:
  - 2.1. "Animal Control Warden" shall mean the Bylaw Officer and/or any such person or persons as may be designated by the Town, from time to time, to enforce the provisions of this Bylaw and includes the agents or employees of that person or those persons so designated.
  - 2.2. "Assistance Dog" means a dog that is considered a medical device for a person with a disability. The dog is specially trained for public access and specifically trained to do tasks that mitigate the disability of their person.
  - 2.3. "Cat" means either male or female cat of the Family Felis Domestica.
  - 2.4. "Council" means the Council of the Town of Fort Qu'Appelle.
  - 2.5. "Dog" means either male or female of the Family Canidae.
  - 2.6. "Dog Run" means any enclosure or structure of any kind whatsoever designed or used for the harboring or containment of a dog or dogs.
  - 2.7. "Emotional Support Dog" means a dog that by its presence, calms and comforts a person. Such a dog usually works long term with only one person and is typically owned by the person using it as Emotional Service Dog.

- 2.8. "Medical Health Officer" means a veterinarian registered to practice in the Province of Saskatchewan who is appointed by the Town of Fort Qu'Appelle for the purposes indicated in Section 8 of this bylaw.
- 2.9 "Owner" includes:
- 2.9.1. A person, persons, partnership, association, or corporation who keeps, possesses, harbors, or has care or control of a dog or cat;
- 2.9.2. The person responsible for the custody of a minor where the minor is the owner of a dog or cat;
- But does not include:
- 2.9.3. A veterinarian registered pursuant to *The Veterinarians Act, 1987* who is keeping or harboring a dog or cat for the prevention, diagnosis or treatment of a disease or an injury to the cat or dog;
- 2.9.4. An urban municipality or animal rescue group or organization approved by the Town in respect of an animal shelter or impoundment facility operated by it;
- 2.10 "Pest" means animals and mammals such as, but not limited to, bats, rats, mice, snakes, skunks, gophers, raccoons, or any other animal or mammal comparable to these.
- 2.11 "Pound" means such premises and facilities as may be designated by the Town, from time to time, as the pound.
- 2.12 "Poundkeeper" means a person, persons, or associations designated by the Town, from time to time, to maintain and administer the pound.
- 2.13 "Running at Large" means off the premises and boundaries of the land occupied by the owner, possessor or harbinger or beyond the boundaries of any lands where the dog or cat may be with the permission of the owner or occupier of the lands and is not under control by being tied or secured to a leash or chain or other similar restraining device not exceeding six meters in length.
- 2.14 "Service Dog" includes any dogs that are specially trained to work in public with their handlers and includes assistance dogs, therapy dogs, and emotional support dogs.
- 2.15 "Therapy Dog" means a dog that goes into care homes, hospitals, schools and other places where there are groups of people. They are trained to allow unfamiliar people to physically interact with them in order to give the people comfort.

## **PART I: CARE, CONTROL AND LICENSING**

### **LICENSING**

- 3 Every owner of a dog or cat three months old or older shall, not later than the 1st day of February in each year, or within 10 days after becoming an owner of a dog or cat, obtain a license for the dog or cat from the Town. The license shall not be transferable to any other dog or cat or other owner. The onus of proof as to the exact date when the owner became the owner of the dog or cat shall be on the owner.
  - 3.1 When applying for a license under this section, the applicant shall provide the Town with a description of the dog or cat including a picture if possible, the name and address of the owner, and any other relevant information that may be required by the Town.
  - 3.2 No person shall own, possess, or harbour more than three (3) dogs and/or three (3) cats living or being cared for on a property. Litters from breeding animals must be rehomed prior to becoming no later than 3 months of age.
  - 3.3 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 numerals inscribed or imprinted thereon as may be determined by the Town and a receipt for payment of the license, and the owner shall attach the tag to the collar to be worn around the neck of the dog or cat.
  - 3.4 A dog that is used as a service dog shall be licensed with the Town and the Town shall issue the license without the prescribed fee.
  - 3.5 If a tag is lost or destroyed, a duplicate will be issued by the Town upon presentation by the owner of a receipt showing payment of the license fee for the current license year and upon payment of the sum of \$5.00 for the issuance of the duplicate.
  - 3.6 The provisions of this section shall not apply to dogs and cats kept in the ordinary course of business by the proprietors of the following premises namely:
    - 3.6.1 A veterinary hospital, clinic, boarding kennel or grooming parlor;
    - 3.6.2 A publicpound;
    - 3.6.3 A shop whose business includes the sale of pets and is licensed as such;
    - 3.6.4 A shelter operated by an animal rescue group, an association or society incorporated for the purpose of the protection and humane treatment of animals.

- 3.7 The owner of a dog or cat shall ensure that the dog or cat wears a collar to which is attached a current license tag whenever the dog or cat is off the premises of the owner, provided that this provision shall not apply while a dog or cat is participating in a recognized show, obedience trial or field trial.
- 3.8 No owner will provide false information with the intent to reduce license fees or fine fees.

## **PART II: OFFENSES**

### **4 RUNNING AT LARGE**

- 4.1 No owner of a dog or cat shall permit his dog or cat to run at large in the Town of Fort Qu'Appelle.
- 4.2 When a dog or cat is found running at large its owner shall be deemed to have failed or refused to comply with the requirements of Subsection 4.1.

### **5 SEIZURE AND IMPOUNDING**

- 5.1 An Animal Control Warden, Poundkeeper, or Peace Officer may seize and impound any dog or cat running at large.
- 5.2 An Animal Control Warden, Poundkeeper, or Peace Officer may enter onto the land surrounding any building in pursuit of any dog or cat that has been observed running at large.
- 5.3 No person, regardless of whether they are the owner of a dog or cat which is being or has been pursued or seized, shall:
  - 5.3.1 Interfere with or attempt to obstruct an Animal Control Warden, Poundkeeper, or Peace Officer who is attempting to seize or has seized any dog or cat in accordance with the provisions of this Bylaw.
  - 5.3.2 Unlock, unlatch or otherwise open the vehicle and/or animal enclosure in which dogs or cats seized under this Bylaw have been placed so as to allow or attempt to allow any dog or cat to escape therefrom.
  - 5.3.3 Remove or attempt to remove any dog or cat from the possession of the Animal Control Warden, Poundkeeper, or Peace Officer.
- 5.4 The Poundkeeper shall keep all impounded dogs and cats for a period of at least 72 hours, excluding the day of impounding. Sundays and statutory holidays shall not be included in the 72-hour period. During this period, the owner may reclaim the dog or cat from the pound upon payment to the Town of the fees set out in Schedule "B" of this Bylaw.
- 5.5 No unlicensed dog or cat that is impounded shall be released to its owner or to any other person until a license has been purchased for it.

- 5.6 Where the dog or cat impounded is wearing a collar to which is attached a valid license tag, the Poundkeeper or the Animal Control Warden shall promptly contact the owner by telephone, or in writing, of the seizure of the cat or dog at large at the telephone number or address shown in the Town of Fort Qu'Appelle licensing records or property tax assessment records. No liability whatsoever shall attach to the Town, the Animal Control Warden or the Poundkeeper by reason of the failure of the owner to receive such notice.
- 5.7 Where a dog or cat has not been reclaimed within the period set out in Subsection 5.4 hereof, or where the owner of a dog or cat has failed or refused to comply within said period with the conditions set out in Subsections 5.4 and 5.5 hereof, the Poundkeeper may sell or destroy the dog or cat or give the dog or cat to an animal rescue group, an association or society incorporated for the purpose of the protection and humane treatment of animals approved by the Town.

## **6 LITTER**

- 6.1 If a dog or cat defecates on any public or private property other than the property of its owner, the owner of the dog or cat shall cause such defecation to be removed immediately and disposed of in a sanitary fashion. Failure to cause such removal shall be a breach of this Bylaw.

## **7 NUISANCE**

- 7.1 No owner of a dog or cat shall permit the dog or cat to bark, howl, meow, ululate or otherwise make noise so as to create a nuisance. For the purposes of this section, a dog or cat is creating a nuisance if a person not situated on the property where the dog or cat is located can easily hear the noise being made by the animal.
- 7.2 On a complaint made in writing to the Animal Control Warden that any dog or cat has been causing a nuisance, the Animal Control Warden, upon being satisfied of the truth of the complaint, may notify the owner of such dog or cat to abate the nuisance within 48 hours after receipt of the notice.
- 7.2.1 The notice shall be in writing and shall be served personally upon the owner or left with some adult person at the location of the nuisance dog or cat.
- 7.2.2 Subject to Subsection 7.2.1, in the event the Animal Control Warden is unable to locate the owner or an adult person at the location of the nuisance animal, the Animal Control Warden may post a notice at said location, which shall be deemed to provide sufficient notice to the owner.
- 7.3 An owner shall be deemed to be in breach of Subsection 7.1 if the Town receives a second or subsequent written complaint that any dog or cat has been causing a disturbance, within 30 days after the expiry of the 48-hour period set out in the notice served on the owner under Subsection 7.2.

- 7.4 The owner of a female dog or cat in heat shall keep such dog or cat confined to a house or kennel.

## **8 RABIES AND OTHER DISEASE**

- 8.1 In the case of an emergency for any cause, but more particularly for an infectious disease, the Medical Health Officer is authorized to order that no owner shall suffer or permit his dog or cat to be any place beyond or outside the boundary of the place of residence of the owner at anytime, whether on a leash or under proper control, until such order is revoked.
- 8.2 The Medical Health Officer may order the compulsory inoculation of any dog or cat. The Medical Health Officer may also order the seizure of the dog or cat to ensure the dog or cat is provided with appropriate treatment of a disease.
- 8.2.1 Subject to Subsection 8.2, if the owner of the dog or cat is not capable of paying for the appropriate medical treatment of the dog or cat, and the disease is contagious and puts humans or other animals at risk, the Medical Health Officer shall have the discretion to order the dog or cat be destroyed.
- 8.3 An owner of a dog or cat who neglects or refuses to comply with any order of the Medical Health Officer made under the provisions of this section shall be guilty of an infraction of this Bylaw.

## **9 DOG RUNS**

- 9.1 No person shall construct or cause to be constructed a dog run on any property in the Town of Fort Qu'Appelle within one (1) meter of the property line or within five (5) meters of a neighboring dwelling unit.
- 9.2 A dog run shall be constructed of only impervious materials or wood and no person shall place or allow to be placed any pervious materials within a dog run.
- 9.3 A dog run shall be always kept in a sanitary condition and the removal and disposition of all refuse shall be done in a regular and sanitary manner.

## **10 DOG RESTRAINTS**

- 10.1 A dog which is restrained on private property by means other than an approved dog run shall be restrained in the following manner:
- 10.1.1 The restraint shall be of sufficient strength and kept in a state of repair so that the dog will not be able to escape.

- 10.1.2 The restraint shall be constructed of a material that will not allow the dog to chew through.
- 10.1.3 The restraint shall be securely situated in the yard such that it will not allow the dog to approach closer than one (1) meter to the owner's property line or any other property line.

## **11 PENALTIES**

- 11.1 A person who contravenes a provision of Part I or Part II of this Bylaw or neglects or refuses to comply therewith shall be guilty of an offence and shall be liable upon conviction to a fine of not less than the mandatory minimum fine prescribed in Schedule "C".
- 11.2 Conviction of a person for breach of any provision of this Bylaw does not relieve him or her from compliance with the Bylaw and the convicting Justice of the Peace or Judge of the Provincial Court may, in addition to any fine imposed, order the person to perform, within a specified period, any act or work necessary for the proper observance of this Bylaw or to remedy any breach thereof.
- 11.3 A person who fails within the period specified in an Order under Subsection 11.2 to comply with the Order is guilty of an offence and liable upon summary conviction to a fine of \$200.00 for each day during which the breach continues.

## **12 PENALTY NOTICE**

- 12.1 Where an Animal Control Warden or Peace Officer believes that a person has contravened the provision of this Bylaw, he or she may by personal service, serve or cause to be served upon such person, a notice as provided by this Section.
- 12.2 The Notice shall indicate thereon the Section of the Bylaw that was contravened and the amount of the penalty to be paid.
- 12.3 Upon production of the Notice issued pursuant to Subsection 12.1 within ten (10) days from the date of service together with payment as indicated on the Notice from the Animal Control Warden, the person to whom the Notice was issued shall not be liable for prosecution for the contravention in respect of which the Notice was given.
- 12.4 If payment is not received as provided in Subsection 12.3 hereof within the time prescribed, a summons shall be issued to the person alleged to have committed the offence and thereafter the provisions of this Section shall not apply with respect to that offence.



**13 OTHER SPECIES**

13.1 Where necessary, all provisions of this Bylaw may also be applied to animals of species other than dogs and cats.

**14 PEST CONTROL**

14.1 No one shall harbour or allow an infestation of pests within any building located within the Town. The owner of the building where an infestation of pests has been discovered must take action immediately to remove or eradicate the pests. If steps have not been taken by the owner to remedy the infestation within 7 days of the Order to Comply, a fine will be issued as per Schedule C.

14.2 In the case that the Pest is a protective species, the owner will retain the services of a qualified and licensed pest control company to remove the pests for relocation.

**15. REPEAL OF BYLAW**

15.1 THAT Bylaw No. 01-2021 be repealed.

16. This Bylaw shall come into force and take effect on the date of adoption.

Read a first time on August 25<sup>th</sup>, 2022

Read a second time on August 25<sup>th</sup>, 2022

Read a third time and adopted on August 25<sup>th</sup>, 2022


  
\_\_\_\_\_  
Mayor



  
\_\_\_\_\_  
Chief Administrative Officer



Certified true copy of Bylaw No. 13-2022 passed by the Council of the Town of Fort Qu'Appelle at their regular meeting on Thursday, August 25<sup>th</sup>, 2022.

  
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Administrator



**SCHEDULE "A"**

Pursuant to Section 3.3 of Bylaw No. 13 – 2022 of the Town of Fort Qu'Appelle.

**LICENSE FEES**

- a) Neutered Male.....\$ 25.00
- b) Spayed Female.....\$ 25.00
- c) Male.....\$ 100.00
- d) Female.....\$ 100.00

**SCHEDULE "B"**

Pursuant to Section 5.4 of Bylaw No. 13 – 2022 of the Town of Fort Qu'Appelle.

**IMPOUNDMENT FEES**

First impoundment (per 12-month period).....	\$25.00
Second impoundment (per 12-month period).....	\$50.00
Third impoundment (per 12-month period) .....	\$100.00
Fourth & Subsequent impoundment (per 12-month period).....	\$200.00

Care and Sustenance Fee - \$15.00 per day

**SCHEDULE "C"**

**Minimum Fines Pursuant to Section 12**

<b>Offence</b>	<b>Minimum Fine</b>		
	<b>1<sup>st</sup> Offence</b>	<b>2<sup>nd</sup> Offence</b>	<b>Subsequent</b>
	<b>Per 12-month period</b>	<b>Per 12-month period</b>	<b>Per 12-month period</b>
(a) Failure to licence cat Cat or Dog {Section 3}	\$25	\$50	\$100
(b) Cat or Dog being at large (Section 4)	\$25	\$50	\$100
(c) Failure to immediately remove a Dog's or Cat's excrement (defecation) public or private property other than the property of the Dog's or Cat's owner (Section 6)	\$25	\$50	\$100
(d) Cat or Dog creating a nuisance by barking, howling, meowing, or otherwise making noise to create a nuisance {Section 7}	\$25	\$50	\$100
(e) Failure to eradicate Pests (Section 14)	\$100	\$250	\$500
(f) Owning, Harboursing, caring for more than 3 Dogs or Cats (Section 3.2)	\$50	\$100	\$100
(g) Providing false information	\$50	\$100	\$100