

## BYLAW NO. 6-21

### A BYLAW TO PROVIDE FOR THE CONTROL OF ANIMALS

A Bylaw of the Town of Alameda to Regulate and Control the Ownership and Possession of Dogs within the Town of Alameda.

Whereas the Town of Alameda is empowered by Section 8(1)(k) of *The Municipalities Act* to regulate and control persons owning or harbouring any wild and/or domestic animal(s) and activities concerning them within the Town of Alameda.

The Council of the Town of Alameda, in the Province of Saskatchewan, enacts as follows.

#### 1. PURPOSE:

- a) This Bylaw shall be cited as "The Animal Control Bylaw".
- b) The purpose of this Bylaw is:
  - 2.1 To provide for the licensing of dogs;
  - 2.2 To control and regulate cats and dogs;
  - 2.3 To control and regulate other prohibited animals.

#### 2. DEFINITIONS:

In this Bylaw:

- a) "Municipality" shall mean the Council of the Town of Alameda;
- b) "Administrator" is the person appointed for the Town of Alameda or his/her duly authorized representative or designate.
- 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 metres in length and is under proper control.
- d) "Cat" is every cat that is at least three (3) months of age of either sex or neutered;
- e) "Dog" means a puppy that is at least three (3) months of age, of either sex or neutered
- f) "Dog Run" shall mean a permanent structure outside of a residential dwelling unit, used for the containment of a dog.
- g) "Dogcatcher" shall mean any person appointed by the Town Council to restrain and impound any dog running at large in the Town of Alameda.
- h) "Judge" shall mean a provincial court judge or a justice of the peace.
- i) "Owner" includes: A person owns or who has possession of, or control over, an animal; and the person responsible for the custody of a minor where the minor is the owner of the animal.
- j) "Potentially Dangerous Dog" shall mean;
  - i) a dog that chases or approaches any person or domestic animal, anywhere other than on the property of the owners or custodian, menacingly or apparent attitude of attack, including, but not limited to, behaviour such as growling or snarling.
- k) "Pound" means such premises and facilities as may be designated by the Town.

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- l) "Pound keeper" means a person, corporation, society or organization as may from time to time be appointed by the municipality to retain impounded animals according to this Bylaw;
- m) "Running at Large" shall mean a dog or cat found on any street, lane, sidewalk, or unaccompanied by any person or accompanied but not under the complete control of any competent person utilizing a leash, or being on private property without the permission of the owner or occupant of such property.
- n) "SPCA" means the Saskatoon Society for the Prevention of Cruelty to Animals.

### **3. LICENSING OF A DOG OR CAT**

- a) The license year shall be from January 1 to December 31 of each year.
- b) Every owner of an animal that is three (3) months old or older shall not later than the 31<sup>st</sup> of January in each year, or within thirty (30) days of becoming an owner of an animal, obtain a license and shall pay an annual fee, as set out in Schedule "A" to this bylaw. This license is not transferable to any other dog or cat or owner. The onus of proof is the date when the owner became the owner of the dog or cat and this is on the owner.
- c) Notwithstanding Subsection (b) the owner shall obtain a license for an animal that is less than three (3) months old found running at large.
- d) When applying for a license under this section, the applicant shall provide a description of their animal, the name and address of the owner of the dog or cat and any other relevant information which may be required by the Town to determine the animal's age or that the animal is neutered or spayed.
- e) Every owner to whom an animal license has been issued under this bylaw shall cause the animal to wear a collar to which the license tag issued by the municipality is attached;
- f) The owner of a dog or cat shall ensure that his or her dog or cat wears the current licence purchased for that dog or cat when the dog or cat is off the property of the owner.
- g) The owner shall be issued a replacement licence tag if the current licence tag is lost or destroyed, and the owner shall be responsible for payment of the Tag Replacement fee as set out in Schedule No. A.
- h) No owner shall be entitled to a license rebate under this bylaw.
- i) Any owner residing in the municipality, who owns, possesses or harbours an animal and neglects or refuses to take out a license shall be deemed guilty of an infraction of this bylaw.

### **4. DOGS BARKING OR HOWLING:**

- a) No person who owns or keeps a dog or allows it to stay in the owner's premises shall allow such dog to bark excessively or howl excessively;
- b) For this section, the factors for determining whether the barking or howling of a dog or cat has become a nuisance are as follows:
  - i) the proximity of the barking or howling to sleeping facilities;
  - ii) the time of day or night the barking or howling occurs;
  - iii) the duration of the barking or howling;
  - iv) whether the barking or howling is the result of provocation.

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- c) Any owner who allows a dog to bark or howl excessively shall be deemed guilty of an infraction of this bylaw;
- d) Any owner who hears a dog barking or howling excessively and can positively identify the animal, can file a written complaint at the Town Office.
- e) The municipality may issue a written order if there is anything in the physical environment that the dog is being kept in that can be remedied that would prevent said dog from barking or howling;
- f) Barking or howling in the Town is deemed to be a nuisance if the barking or howling:
  - i) occurs between the hours of:
    - 11 p.m. and 6 a.m. on a day other than a Sunday or holiday or
    - 11 p.m. and 8 a.m. on a Sunday or holiday; and
  - ii) persists for a period of:
    - 15 consecutive minutes or longer; or
    - 1 hour or longer, intermittently.

**5. RUNNING AT LARGE AND PROHIBITED AREAS:**

- a) No animal shall run at large in the municipality.
- b) In this section, a dog shall be "at large" if it is off the premises of its owner unless the dog is both:
  - i) on a leash not exceeding two (2) meters in length; and
  - ii) under the proper control of its owner.
- c) The owner of a dog shall ensure that their dog shall not:
  - i) bite a person or persons whether on the property of the owner or not;
  - ii) do any act to injure a person or persons whether on the property of the owner or not;
  - iii) chase or otherwise threaten a person or persons whether on the property of the owner or not unless the person chased or threatened is a trespasser on the property of the owner;
  - iv) bite, or chase, animals, bicycles, automobiles or other vehicles;
  - v) create noise or odour to the annoyance or discomfort of any person;
  - vi) cause damage to a property or other animals;
  - vii) upset any waste receptacles or scatter the contents thereof either in or about a street, lane, or other public property or in or about premises not belonging to or in the possession of the owner of the dog.
- vii) No owner shall permit a dog or cat to be:
  - i) On any public playground
  - ii) On public Ball Diamonds or Soccer Fields
  - iii) This section does not apply to a person who owns and is physically reliant on a guide dog trained and used to assist such person.

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## 6. PROHIBITED ANIMALS

7.1. No owner shall own or harbour any animal, or hybrid of any animal, of the kind listed in Schedule D for any purpose.

## 7. DANGEROUS ANIMALS

Control of dangerous dogs in Saskatchewan is governed by provincial legislation and all owners must comply with this statute or any orders under this statute.

## 8. OWNING and HARBOURING OF DOGS

- a) Where an owner possesses a dog that displays outward signs of aggression such as threatening, barking, growling, snapping, lunging, frothing at the mouth, etc., such owner shall ensure that the dog is properly restrained or contained whether it is on or off its property; and,
- b) Where a dog displays aggressive behaviour as described in Subsection a), the owner shall ensure that proper precautions have been taken to prevent the dog from escaping from its harboured property and that children of tender age cannot gain access to the property or the dog;
- c) Where a municipality believes an owner has not taken the necessary precautions to contain an aggressive dog as required in Subsection b), the municipality may issue a written order requiring the owner of the property to remedy any lack of physical containment as identified by the municipality;
- d) An order is written under Subsection c) is not limited to the following but may contain any or all of the following requirements:
  - i) Repair or construction of a property line fence;
  - ii) Repair or construction of a dog run;
  - iii) Physically moving the dog run or containment area of the dog from one area of the property to a more suitable area on the property;
  - iv) Locking of perimeter fences or dog runs; and
  - v) Posting warning signs on the perimeter of the property advising the public of the presence of a dog of an aggressive nature.

## 9. LITER CLEAN UP

- a) If an animal defecates on any public or private property other than property belonging to the owner of the pet, the owner of the cat or dog shall remove the defecation immediately.
- b) Any person who owns, possesses, or harbours an animal and fails to remove the defecation as set out in Subsection a) shall be deemed guilty of an infraction of this bylaw;
- c) This section does not apply to a person who owns and is physically reliant on a guide dog trained and used to assist such a person.

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**10. ACCUMULATION OF ANIMAL FECES**

- a) An owner or occupant of private property must not allow animal feces to accumulate on the property to create a health hazard.
- b) Any owner who owns, possesses, or harbours an animal and fails to clean up as set out in Subsection a) shall be deemed guilty of an infraction of this bylaw.
- c) The municipality may remove the feces from the property if:
  - i) The owner to whom the notice is made fails to remove the feces within seventy-two (72) hours; or,
  - ii) After reasonable inquiry, the whereabouts of the owner or occupant of the property cannot be determined.

**11. POUND/POUND FEES**

- a) A person appointed by Council may take any animal found running at large, contrary to the provisions of this bylaw, may be impounded where it shall be kept for Seventy-Two (72) hours unless the owner, possessor, or harbourer redeems the animal by paying to the Town:
  - i) The applicable Penalty and Pound fee as set out in Schedule "B" for the care and keep of each animal; and,
  - ii) All related fines assessed against the animal; and,
  - iii) In the case of a dog over the age of six months being impounded, a dog license fee if one has not yet been purchased.
- b) The municipality may, in its sole discretion, destroy, find a suitable home for or turn over to the SPCA any animal that has not been redeemed within seventy-two (72) hours. The CAO or person appointed by Council will have the dog transported to the Carlyle Veterinary Clinic (If the dog is destroyed, all costs will be the responsibility of the said owner), or may turn an animal over to the SPCA before this period expires if it is determined that the municipality cannot sufficiently provide for the animal's well being or security.

**13. VIOLATIONS**

- a) Except as otherwise provided in this bylaw, every owner who contravenes any of the provisions of this bylaw is guilty of an offence and liable on summary conviction as set out in Schedule B.
- b) If no Notice of Violation has been issued for three years or more concerning a contravention, then a subsequent contravention of the section of the bylaw is deemed to be the first offence.
- c) Any owner convicted of an offence shall, within ten days thereafter, deliver all animals of the kind listed in Schedule C-owned, kept or harboured by that person to the Animal Protection Services of Saskatchewan Department and they shall become the property of the municipality and shall be donated to an approved agency or humanely euthanized.
- d) At the discretion of the Town Office, a warning ticket may be issued for contravention of any of the provisions of this bylaw.
- e) A violator of this bylaw, upon being served with the municipality's standard Notice of Violation may, during office hours, voluntarily pay the penalty at the office of the municipality.

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**11. ORDERS TO REMEDY CONTRAVENTIONS**

- a) Inspections to determine if a written order should be issued under this Bylaw shall be carried out in accordance with the Municipalities Act.
- b) Orders given under this Bylaw shall comply and in accordance with the Municipalities Act.
- c) A person may appeal an order given under this Bylaw in accordance with the procedure outlined in the Municipalities Act.
- d) The municipality may, in accordance with the Municipalities Act, take whatever actions or measures necessary to ensure that an order given under this Bylaw is fully complied with.
- e) In an emergency, the municipality may take whatever actions or measures are necessary to eliminate the emergency in accordance with the Municipalities Act.
- f) Any unpaid expenses and costs incurred by the municipality that an order given under this Bylaw is fully complied with may be recovered either:
  - i) By civil action for debt in a court of competent jurisdiction in accordance with the Municipalities Act; or,
  - ii) By adding the amount to the taxes on the property on which the work is done in accordance with the Municipalities Act.

**12. SEVERABILITY**

If any section, subsection, sentence, clause, phrase or other portion of this bylaw is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the Court shall not affect the validity of the remaining portions of the Bylaw.

BYLAW No. 6-15 is now repealed.



*Roy Anderson*  
\_\_\_\_\_  
Mayor

*Mylene Jean Ballinger*  
\_\_\_\_\_  
Administrator

Read a third time and adopted on  
this 18 day of August, 2021

Myra Jean Baldwin  
Administrator

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TOWN OF ALAMEDA

SCHEDULE "A"

ANNUAL LICENCE FEES FOR DOGS AND CATS

DOGS	Male dog	- non neutered	-	\$100.00
	Male dog	- neutered	-	\$ 30.00
	Female dog	- non-spayed	-	\$100.00
	Female dog	- spayed	-	\$ 30.00
	Tag Replacement		-	\$10.00
CATS	Male cat	- non-neutered	-	\$100.00
	Male cat	- neutered	-	\$ 30.00
	Female cat	- non-spayed	-	\$100.00
	Female cat	- spayed		\$ 30.00
	Tag Replacement		-	\$10.00

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TOWN OF ALAMEDA

SCHEDULE "B"

PENALTIES AND FEES

A. PENALTIES

1. The first (1<sup>st</sup>) penalty for violating sections of this Bylaw is \$500.00.
- 2, The penalty for the second (2<sup>nd</sup>) violation of this Bylaw in the same calendar the year is \$750.00.
3. The penalty for the third or subsequent violation of this Bylaw in the same calendar year is \$3,000.00 per violation.

B. IMPOUNDMENT FEE

1. IF HOUSED BY THE MUNICIPALITY ONLY
  - a) The impoundment fee shall be the amount of \$40.00 per day.
2. IF HOUSED BY THE SPCA
  - a) All municipal pound fees shall apply in addition to any fees charged by the SPCA.

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TOWN OF ALAMEDA

SCHEDULE "C"

PROHIBITED ANIMALS

The following is a list of animals the keeping of which is prohibited within the Town of Alameda:

- 1) all animals being reared for the bearing of fur or food;
- 2) all animals whose normal habitation is outside of urban centers (such as fox and deer)
- 3) all Arachnids dangerous to humans (such as scorpions and tarantulas, except tarantulas of the genera Aphonopelma, Avicularia and Grammostola);
- 4) All Artiodactylous Ungulates (such as goats, sheep, cattle, pigs and llamas);
- 5) All Bats;
- 6) All Bees;
- 7) All Crocodylians (such as alligators, crocodiles and caimans);
- 8) All Edentates (such as anteaters, sloths and armadillos);
- 9) All Elephants;
- 10) All Felids, except the domestic cat;
- 11) All Horses;
- 12) All Hyenas;
- 13) All Insects being raised for the purpose of profit or gain;
- 14) All Livestock;
- 15) All Marsupials (such as kangaroos and opossums);
- 16) All Mustelids (such as skunks, weasels, otters and badgers) except the domestic ferret;
- 17) All non-human Primates (such as gorillas and monkeys);
- 18) All Perissodactylous Ungulates (such as horses, donkeys, mules and asses)
- 19) All Pigeons (unless specifically approved by Council);
- 20) All Pinnipeds (such as seals, fur seals and walruses);
- 21) All Procyonids (such as raccoons, coatis and cacomistles);
- 22) All Raptors, diurnal and nocturnal (such as eagles, hawks and owls);
- 23) All Ratite Birds (such as ostriches, rheas, and cassowaries);
- 24) All Galliformes (such as chickens, turkeys, grouse, quails and pheasants);
- 25) All Anseriformes (such as ducks and geese);
- 26) All snakes of the families Pythonidae and Boidae;
- 27) All Ursids (bears);
- 28) All venomous Reptiles and Amphibians;
- 29) All Viverrids (such as mongooses, civets and genets).

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