

BYLAW NO. 3-2017

VILLAGE OF EARL GREY

A BYLAW OF THE VILLAGE OF EARL GREY TO REGULATE AND CONTROL ANIMALS

The Council of the Village of Earl Grey, in the Province of Saskatchewan, enacts as follows:

1. DEFINITIONS

- i. In this Bylaw:
 - a. Act – *The Municipalities Act*.
 - b. Administrator – The person appointed as administrator pursuant to Section 111 of *The Municipalities Act*.
 - c. Bylaw Enforcement Officer – The person or persons appointed or contracted by the Council of the Village of Earl Grey for the purpose of enforcing the provisions of this Bylaw.
 - d. Cat – A male or female cat or a male or female kitten over eight (8) weeks of age.
 - e. Council – The mayor and councillors of the municipality elected pursuant to the provisions of *The Local Government Election Act*.
 - f. Dog – A male or female dog or a male or female puppy over eight (8) weeks of age.
 - g. Dangerous Animal – An animal declared dangerous in accordance with Section 375 of *The Municipalities Act*.
 - h. Municipality – The Village of Earl Grey
 - i. Owner – Includes:
 - i. A person, persons, partnership, association or corporation who keeps, possesses, harbors, or has care of or control of a dog or cat.
 - ii. The person responsible for the custody of a minor where the minor is the owner of a dog or cat.
 - j. Pound – Such premises and facilities as may be designated by the Council for the purpose of safely lodging and securing animals seized pursuant to this Bylaw.
 - k. Pound Keeper – A person, corporation, society or organization as may from time to time be appointed by the Municipality for the purpose of retaining impounded animals pursuant to this Bylaw.
 - l. Person – Includes an individual(s), partnership, association or corporation.
 - m. Running at Large – When a dog or cat is beyond the boundaries of the land occupied by the owner, possessor, harbinger, or keeper of the said dog or 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 is not under control by being:
 - i. On a leash or harness and in direct continuous charge of a person competent to control it;
 - ii. Securely confined within an enclosure; or
 - iii. Securely fastened so that it cannot roam at will.

2. LICENSING & REGISTRATION OF DOGS

- i. Every owner of a dog within the Municipality shall cause such dog to be registered with the Administration Office. At the time of registering, the applicant shall provide the Administration Office with a physical description of the dog, the breed of the dog, a rabies certificate valid for the registration year, a photo of the dog and the name, address and telephone number of the owner of the dog, as set out in “Form A” of this Bylaw.
- ii. The license fee shall be in effect from January 1st to December 31st of the calendar year.
- iii. Every owner of a dog shall, no later than March 1st in each year, register the said dog at the Administration Office and failure to do so shall constitute an offence as set out in “Schedule B” of this Bylaw.
- iv. In addition to the registration requirements laid down in Sections 2(i) – 2(iii), the owner of a dog shall pay an annual registration fee as set out in “Schedule A” of this Bylaw.

- v. Any dog registration certificate or applicable fee issued pursuant to the provisions of this Bylaw by the Municipality shall not be transferable to any other dog.
- vi. Every person to whom a dog license has been issued under this Bylaw shall cause the dog to wear a collar to which the license tag issued by the Municipality is attached.
- vii. Notwithstanding Section 2(iv), any dog which has been professionally trained to assist the physically challenged or those suffering from chronic, life-threatening diseases including, but not limited to, epilepsy, diabetes, blindness, and wheelchair confinement, shall not be subject to registration fee.
- viii. The provisions of this Section shall not apply to the dogs kept, in the ordinary course of business, by the proprietors of the following premises:
 - a. A veterinary hospital, clinic, boarding kennel, or grooming parlor;
 - b. A public pound;
 - c. A shop 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.

3. LICENSING & REGISTRATION OF CATS

- i. Every owner of a cat within the Municipality shall cause such cat to be registered with the Administration Office. At the time of registering, the applicant shall provide the Administration Office with a physical description of the cat, the breed of the cat, a rabies certificate valid for the registration year, a photo of the cat and the name, address and telephone number of the owner of the cat, as set out in "Form A" of this Bylaw.
- ii. Every owner of a cat shall, no later than March 1st in each year, register the said cat at the Administration Office, and failure to do so shall constitute an offence as set out in "Schedule B" of this Bylaw.
- iii. There is no charge for cat registration.

4. RUNNING AT LARGE

- i. The owner of a dog or cat shall not at any time allow the dog or cat to run at large within the Municipality.
- ii. When the dog or cat is found to be running at large, its owner is deemed to have failed or refused to comply with the provisions of this Section, 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 animal from being at large.
- iii. Any person who sees an animal running at large, and can positively identify the animal can file a written complaint at the Administration Office.
- iv. The Bylaw Enforcement Officer or any other person designated by the Municipality will attempt to capture any animals found running at large and place them in the Pound.

5. PROHIBITED ANIMALS

- i. No person shall own or harbor any animal, or hybrid of any animal, for any purpose, of the kind listed in "Schedule C" of this Bylaw.
- ii. Section 5(i) shall not apply to livestock and poultry brought into the Municipality for the duration of special events at which the said livestock and poultry will be used for purposes of exhibition or performing at a special event.

6. SEIZURE & IMPOUNDING

- i. A Bylaw Enforcement Officer may seize and impound any dog or cat observed to be at large.
- ii. A Bylaw Enforcement Officer may enter into land surrounding any building in pursuit of any dog or cat which has been observed to be at large.
- iii. The Bylaw Enforcement Officer is hereby authorized to seize and capture by any method authorized by resolution of council, and impound any dog or cat running at large contrary to the provisions of this Bylaw.
- iv. Any person may take any dog or cat found running at large contrary to the provisions of this Bylaw to the Pound with permission from the Municipal Office.
- v. Any person may be issued a cat trap upon execution of an agreement as set out in designated "Form C" and such person shall abide by the terms of the cat trap permit agreement.
- vi. No person, whether or not they are the owner of a dog or cat which is being or has been pursued or seized, shall;
 - a. 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.

- b. Unlock or unlatch or otherwise open the vehicle 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.
- c. Remove or attempt to remove any dog or cat from the possession of the Bylaw Enforcement Officer.

7. POUND

- i. The Council shall endeavor to appoint a Pound keeper.
- ii. All dogs and cats impounded in the Pound shall be so confined therein for a period of seventy-two (72) hours from the time of capture during which time the owner thereof shall have the right to repossess the said dog or cat upon paying to the Administration Office the amount set forth in "Schedule A" of this Bylaw.
- iii. No dog or cat which is impounded shall be released to its owner or to any other person until the appropriate pound fee is paid, and in the case of a dog, until it has been registered.
- iv. When a dog or cat has been impounded, the Administration Office shall immediately attempt to contact the owner as shown in the records made when the dog or cat was registered at the address shown therein, that unless the said dog or cat is claimed and the fees as provided for in this Bylaw are paid within seventy-two (72) hours from the date of the impounding, the said dog or cat shall be dealt with pursuant to the provisions of this Bylaw. Failing to find said owner by the internal records, the Administration Office shall immediately post notice in a visible place containing a description of the dog or cat along with the terms for release.
- v. All impounded dogs or cats not claimed within seventy-two (72) hours as aforesaid, may be sold by the Administration Office to any person paying for such dog or cat, a sum of not less than thirty-five (\$35.00) dollars for a dog and twenty-five (\$25.00) dollars for a cat for the use of the Pound, and registering the dog or cat as provided for by this Bylaw. In the event any dog or cat is not sold after expiration of the said seventy-two (72) hours, it shall be disposed of by either:
 - a. Humane destruction; or
 - b. Transfer to the Regina Humane Society for public adoption.
- vi. It shall be the duty of the Pound Keeper to provide each dog or cat impounded under the authority of this Bylaw an adequate supply of food, fresh water and proper shelter during its confinement in the Pound on a daily basis.

8. LITTER – DOGS & CATS

- i. If a dog or cat defecates on any public or private property other than the property of the owner, possessor or harbinger of the said dog or cat, the owner, possessor, or harbinger 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 an infraction set forth in "Schedule B" of this Bylaw.
- ii. Defecations deposited on the private property of the owner, possessor or harbinger of a dog or cat shall be removed and disposed of in a sanitary manner on a weekly bases. The owner, possessor or harbinger of a dog or cat shall not allow defecations to accumulate on their property so as to create a health hazard.

9. NUISANCE

- i. The owner, possessor or harbinger of a dog shall not allow the animal to create a nuisance to any person by barking, howling, attempting to bite orbiting anyone or any domestic animal, chasing vehicles or bicycles, and any owner, possessor or harbinger who contravenes this Section commits an offence as per "Schedule B" of this Bylaw.
- ii. The owner, possessor or harbinger of a cat shall not allow the animal to create a nuisance to any person by howling, hissing, or otherwise making disruptive noises or by urinating, defecating or spraying on or otherwise damaging or interfering with any property other than the property of the owner, possessor or harbinger. Any owner, possessor or harbinger who contravenes this Section commits an offence as per "Schedule B" of this Bylaw.
- iii. Where a dog or cat is found to be creating a nuisance, the owner or occupant of that property on which the dog or cat is creating a nuisance may make a written complaint to the Administration Office.

10. RABIES & OTHER DISEASES

- i. Any dog or cat suspected of having rabies shall not be killed, but shall be secured and isolated for ten (10) days and the matter immediately reported to a veterinary clinic whose instructions shall be complied with.
- ii. An owner, possessor or harbinger of a dog or cat who neglects or refuses to comply

with any order of the veterinary clinic shall be guilty of an infraction of this Bylaw.

11. DANGEROUS ANIMALS

- i. Where a complaint is received by the Administration Office that an animal within the Municipality is dangerous, Section 375 of *The Municipalities Act* shall apply.

12. OWING & HARBORING OF DOGS

- i. At all times while a dog is on the premises of its owner and left unattended, the owner shall either keep such dog confined indoors, or confined in a securely enclosed and locked pen or other structure built (i.e. fence) to prevent the escape of the dog and capable of preventing the entry of young children.
- ii. When any dog is off the premises of the owner, the owner shall harness it or leash it securely to effectively prevent it from attacking and injuring any person or domestic animal and ensure that it is under the complete control of a competent person.

13. GENERAL PENALTY

- i. A person who contravenes any provision of this Bylaw or neglects or refuses to comply therewith shall be guilty of an offence and liable upon summary conviction to a fine of not less than fifty (\$50.00) dollars and not more than two thousand (\$2,000.00) dollars.

14. PENALTY

- i. Where any person has committed or alleged to have committed a breach of any of the provisions of this Bylaw, a ticket in the form designated "Form B" forming a part of this Bylaw may be served on such person by the Bylaw Enforcement Officer.
- ii. Notwithstanding Section 16(i), a person who contravenes any provision of this Bylaw, upon being served with a ticket, may voluntarily pay the prescribed penalty at the Administration Office within ten (10) days and have their penalty reduced by 50%.

15. SEVERABILITY

- i. A decision of the court that one or more the provisions of this Bylaw are invalid in whole or in part does not affect the validity, effectiveness or enforceability of the other provisions or parts thereof with respect to this Bylaw.

16. REPEAL OF BYLAWS

- i. Bylaw No. 5-2001
- ii. Bylaw No. 6-2004

17. COMING INTO FORCE

- i. This Bylaw shall come into force and take effect on July 1, 2017.

Mayor

Administrator

Read a third time and adopted
this _____ day of _____

Administrator

SCHEDULE A

ANIMAL LICENSING FEES

| DESCRIPTION | FEE |
|--|--------------|
| Dogs – Not vaccinated or Spayed/Neutered | \$20.00/year |
| Dogs – Vaccinated and Spayed/Neutered | \$15.00/year |
| Dogs – Assistance | No charge |
| Cats | No charge |
| Replacement Tag | \$5.00/tag |

POUND FEES

| DESCRIPTION OF OFFENCE | FIRST OFFENCE | SUBSEQUENT OFFENCE |
|-------------------------------|----------------------|---------------------------|
| Dog & Cats – Not registered | \$150.00 | \$300.00 |
| Dogs & Cats – Registered | \$ 50.00 | \$100.00 |
| Dogs – Assistance | N/A | N/A |

SCHEDULE B

PENALTIES – NON-REGISTERED DOGS & CATS

| DESCRIPTION OF OFFENCE | FIRST OFFENCE | SUBSEQUENT OFFENCE |
|---|----------------------|---------------------------|
| Failure to Register Dog | \$150.00 | N/A |
| Failure to Register Cat | \$ 50.00 | N/A |
| Running at Large | \$150.00 | \$300.00 |
| Neglects or Refuses to Clean up Defecation | \$150.00 | \$300.00 |
| Nuisance Dogs | \$150.00 | \$300.00 |
| Nuisance Cats | \$ 75.00 | \$150.00 |

SCHEDULE C

PROHIBITED ANIMALS

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

- a) All animals being reared for the bearing of fur or food;
- b) All animals whose normal habitation is outside of urban centers (such as fox and deer);
- c) All Arachnids dangerous to humans (such as scorpions and tarantulas, except tarantulas of the genera *Aphonopelma*, *Avicularia* and *Grammostola*);
- d) All Artiodactylus Ungulates (such as goats, sheep, cattle, pigs and llamas);
- e) All bats;
- f) All bees;
- g) All Canids, except domestic dogs;
- h) All Crocodylians (such as alligators and crocodiles);
- i) All Edentates (such as anteaters, sloths and armadillos);
- j) All Elephants;
- k) All Felids, except the domestic cat;
- l) All Hyenas;
- m) All Insects being raised for the purpose of profit or gain;
- n) All Livestock;
- o) All Marsupials (such as kangaroos and opossums);
- p) All Mustelids (such as skunks, weasels, otters and badgers), except the domestic ferret;
- q) All Non-Human Primates (such as gorillas and monkeys);
- r) All Perissodactylus Ungulates (such as horses, donkeys, mules and asses);
- s) All Pigeons;
- t) All Pinnipeds (such as seals, fur seals and walruses);
- u) All Procyonids (such as raccoons);
- v) All Raptors, diurnal and nocturnal (such as eagles, hawks and owls);
- w) All Ratite Birds (such as ostriches and cassowaries);
- x) All Galliformes (such as hens, roosters, turkey, grouse, quails and pheasants);
- y) All Anseriformes (such as ducks and geese);
- z) All snakes of the families *Pythodidae* and *Boidae*;
- aa) All Ursids (bears);
- bb) All Venomous Reptiles and Amphibians;
- cc) All Viverrids (such as mongooses)

FORM A

DOG & CAT LICENSE APPLICATION
as per Bylaw No. 3-2017

Name of Owner: _____

Address (Mailing): _____

(Civic): _____

Phone Number: _____

Dog/Cat Tag No.: _____ *(office use)*

Dog/Cat Name: _____

Breed of Dog/Cat: _____

Physical Description: _____

Dog/Cat Spayed or Neutered: _____ Yes _____ No

Rabies Certificate: _____ Yes _____ No *(attach copy)*

Photo of Dog/Cat: _____ Yes _____ No *(attach copy)*

FORM B

NOTICE OF VIOLATION OF BYLAW
as per Bylaw No. 3-2017

VILLAGE OF EARL GREY
Box 100
Earl Grey, Saskatchewan S0G 1J0
306-939-2062

NOTICE OF VIOLATION

FOR BREACH OF: SPECIFIED PENALTY

BYLAW: _____ \$

SECTION: _____

OTHER: _____

DATE: _____ TIME: _____

OFFENCE: _____

LOCATION: _____

DETAILS: _____

ANIMAL DESCRIPTION: _____

TAG NO.: _____

NAME: _____

ADDRESS: _____

TICKET NO.: _____

Bylaw Enforcement Officer

PLEASE NOTE: Where the penalty for the above violation is \$150.00 or less, you may make voluntary payment of 50% of the above penalty at the municipal office of the Village of Earl Grey during regular office hours or by mail within ten (10) days from the date of service of this Notice of Violation. Please quote ticket number on cheque.

Failure to pay the specified penalty above within thirty (30) days will result in issuing of a summons to appear in Provincial Court, and upon summary conviction, you shall be liable to the penalty provided under Section _____ of the said Bylaw.

FORM C

CAT TRAP PERMIT
as per Bylaw No. 3-2017

Date: _____ Trap No.: _____ Deposit: _____
(\$20.00 per trap)

I, the undersigned, agree to the following terms and conditions (please check off):

_____ The cat trap will be placed only on my property within the Village of Earl Grey.

_____ 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 Bylaw Enforcement Officer or Pound keeper immediately.

_____ When a cat is trapped, I will treat the cat 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 conditions, I will free the trapped cat 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 degrees Celsius or rises above 28 degrees Celsius.

_____ I give my permission to a Bylaw Enforcement Officer or Pound keeper to enter onto my property to ensure the cat trap is being used properly.

_____ I will advise the Bylaw Enforcement Officer, Pound keeper or village office of the name and address of the owner of the cat trapped.

_____ I will pay the cost to repair or replace the cat trap if the cat trap is damaged, lost or stolen while in my possession. I understand my deposit will be kept in this instance.

_____ I will not set the trap on statutory holidays or days when the village office is closed.

_____ I will return the cat trap to the village office within three (3) days after the cat trap was issued, unless other arrangements are made with the Administration.

****IT IS A 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 Village of Earl Grey for all such liability.

Signature: _____ Name: _____

Address of Intended Location of Trap: _____

TRAP RETURNED

Date: _____ Received By: _____

Remarks: _____
