

**TOWN OF PONTEIX
BYLAW NO. 05 / 2019**

**A BYLAW TO PROVIDE FOR THE LICENCING, REGULATING AND
CONTROLLING OF DOGS AND CATS**

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

DEFINITIONS

1. In this bylaw, unless the context otherwise requires, the following shall be interpreted as:
 - (a) "Animal Control Officer" means a Bylaw Enforcement Officer, peace officer or a person appointed as a dog and cat catcher for the Town;
 - (b) "Cat" means either the male or female of the feline family;
 - (c) "Council" means the Council of the Town of Ponteix;
 - (d) "Dangerous Dog" shall mean:
 - i) a dog which has demonstrated a propensity, tendency, or disposition to attack, to bite, to cause severe or repeated injury, or to threaten the safety of human beings or domestic animals.
 - ii) a dog which has severely injured a human being.
 - iii) a dog which, while off its owner's property, has severely injured a domestic animal.
 - iv) any dog which is allowed to injure or kill wildlife.
 - v) a dog which has been trained to fight or which is owned or harboured for this purpose.
 - vi) a dog, previously designated as "potentially dangerous", which after its owner has been notified of such designation, is maintained in violation of this Bylaw.
 - (e) "Dog" means either male or female of the canine family;
 - (f) "Leash" means a chain or other material capable of restraining the dog on which it is being used;
 - (g) "Owner" shall mean any person who keeps, possesses, harbours or has charge of or control over a dog or cat, or the person responsible for the custody of a minor where the minor is the owner of an animal;
 - (h) "Person" shall include an individual, partnership, association or corporation;
 - (i) "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, in a menacing fashion nor apparent attitude of attack, including, but not limited to, behavior such as growling or snarling.
 - ii) a dog which, on three separate occasions within a twelve month period, has been issued a violation ticket by the Animal Control Officer for running at large, or which has been properly impounded three times within a twelve month period by the Animal Control Officer.
 - (j) "Pound" means such premises and facilities as may be designated by the Town, from time to time, as the Town pound;
 - (k) "Poundkeeper" means a person, persons or association designated by the Town from time to time to maintain and administer the pound;
 - (l) "Town" means the municipal corporation of the Town of Ponteix.

LICENCING

2.
 - (a) The licence year shall be from January 1 to December 31 of each year.
 - (b) Every owner of a dog or cat three(3) months old or older shall, not later than the 31st day of January in each year, or within thirty (30) days of becoming an owner of a dog or cat, obtain a licence and shall pay therefore an annual fee as set out in schedule "A" to this bylaw. Said licence shall not be transferable to any other dog or cat or owner. The

onus of proof as to the date when the owner actually became the owner of the dog or cat in question shall be on the owner.

(c) Notwithstanding subsection (b) the owner shall obtain a licence for any dog or cat less than three (3) months old found running at large.

(d) When applying for a licence under this section, the applicant shall provide a description of the dog or cat, 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 dog or cat's age or that the dog or cat is neutered or spayed.

(e) When issuing a licence 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.

(f) The owner of a dog and/or cat shall ensure that his dog and/or cat wears the current licence purchased for that dog and/or cat, when the dog and/or cat is off the property of the owner.

(g) No person shall be entitled to a licence rebate under this bylaw.

(h) The amount of any licence fee due and payable on or after August 1st of any year shall be one half the licence fee for the full year.

(i) Every owner of a dog or cat within the Town shall, on demand of an Animal Control Officer show his licence, receipt or other evidence that he has paid the licence fee for the dog or cat for the current year.

OWNERSHIP OF ANIMALS & KENNELS

3. (a) No household shall own, possess, harbour or maintain more than three domestic Animals.

(b) Kennels intended for the purposes of breeding, boarding and/or selling of dogs or cats is strictly prohibited.

(c) No person shall own, harbour or maintain any farm animal, wildlife or exotic wildlife for any purpose within the municipality whether or not a permit has been issued by a Saskatchewan Wildlife Officer.

RESPONSIBILITY OF DOG OWNERS

4. (a) The owner of a dog shall ensure that such dog is not running at large.

(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) metres in length; and,
- ii) under the proper control of its owner.

(c) Every female dog in heat shall be housed or confined to a kennel.

(d) If a dog defecates on any public or private property other than the property of its owner, the owner shall remove such defecation immediately and dispose of it in a sanitary manner.

(e) Any person owning a dog and occupying property in the Town shall remove any and all dog defecation from the said property and shall dispose of the defecation in a sanitary manner.

(f) Failure to cause the removal of defecation as required by subsection (d) and (e) of this section shall be a breach of this bylaw.

(g) The owner of a dog shall ensure that such 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 odor to the annoyance or discomfort of any person;
- (vi) cause damage to 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;

POTENTIALLY DANGEROUS DOGS

5. (a) A dog shall be declared "Potentially Dangerous" if it acts in a manner as set out in Section 1.(i) i) or is impounded for running at large or issued violation notices for running at large in accordance with Section 1.(i) ii).

(b) A dog declared "Potentially Dangerous" impounded for running at large or issued a violation ticket for running at large such be deemed to be guilty of an infraction of this Bylaw and liable to a fine as provided in Schedule "B".

(c) A listing shall be kept of all dogs declared as "Potentially Dangerous".

DANGEROUS DOGS

6. A complaint of a dog that is dangerous, as set out in Section 1.(d) shall be heard by a Judge or a Justice of the Peace and the proceedings shall be as provided for by *The Municipalities Act*.
7. When a dog has been declared "Dangerous" through the proceedings provided for under Section 5. the owner shall ensure that:
 - (a) it does not bite, chase or attack a person or other animal whether on the property of the owner or not,
 - (b) when it is on the property of the owner it is confined in:
 - (i) an enclosed area or in a fenced yard on a chain capable of restraining the dog which enclosed area or fenced yard is marked with a sign indicating the presence of a Dangerous Dog and prevents the escape of the Dangerous Dog, or
 - (ii) a dwelling and under the control of a person over the age of sixteen (16) years, and
 - (c) when it is off the property of the owner it is securely:
 - (i) muzzled, and
 - (ii) harnessed or leashed in a manner that prevents it from biting, chasing or attacking a person or other animal.
8. Any person failing to comply with the provisions set out under section 7. (b) and/or (c) when their dog has been declared dangerous shall be liable to a fine not exceeding an amount as provided under Schedule "B", for every day during which failure continues. The owner of a dog that has been declared dangerous shall be liable to a fine as provided in "Schedule B" if the dog bites, chases or attacks a person or other animal whether on the property of the owner or not. When a dog is ordered to be destroyed, the Justice of the Peace or Judge may by the same order direct any person to destroy the dog, any person failing to comply with this order shall be liable to a fine as provided in Schedule "B" to this bylaw, for every day during which the failure continues.
9. The following municipal official is hereby designated for the purpose of section 375(5)(vii)(B) of *The Municipalities Act* as the person to be notified if an owner sells or otherwise disposes of a dangerous dog:
The Administrator of the Town of Ponteix

RESPONSIBILITY OF CAT OWNERS

10. (a) The owner of a cat shall ensure that such cat is not running at large.

(b) In this section, a cat shall be "at large" if it is off the premises of its owner, unless the cat is under the proper control of its owner.

(c) Every female cat in heat shall be housed or confined to a kennel.

(d) Every owner of a cat shall ensure that such cat shall not:
 - i) bite a person or persons whether on the property of the owner or not;
 - ii) create noise or odor to the annoyance or discomfort of any person;
 - iii) cause damage to property or other animals;
 - iv) fight with other cats;
 - v) defecate or spray on private property without the permission of the owner or occupant of the property;
 - vi) dig in flower beds or waste receptacles.

IMPOUNDMENT

11. An Animal Control Officer, or at his request, or the request of the Town Administrator or a Member of Council, any other person may take any dog or cat found running at large

contrary to the provisions of this bylaw to the municipal pound, where it shall be kept for forty-eight(48) hours, excluding Saturdays, Sundays and Public Holidays, unless the owner, possessor, or harbourer redeems the dog or cat by paying the Administrator the penalty provided in Schedule "B" hereof for each dog or cat impounded, plus the sum as provided in Schedule "C", for each day or part thereof the dog or cat are impounded.

12. Where an impounded animal is required by bylaw to be licenced and a licence has not been obtained, the said licence fee shall be paid in addition to the above charges and the impounding penalty before said dog or cat is released from the pound.
13. An Animal Control Officer may enter onto the land surrounding any building in pursuit of any dog or cat which has been observed to be at large.
14. For the purpose of impounding any dog or cat found at large in the Town, a pound shall be established at such place as may be designated by resolution of Council as a pound.
15. The Town may from time to time appoint a Poundkeeper to carry out the provisions of this bylaw.
16. Every Poundkeeper shall receive and detain in the pound any dog or cat found running at large and shall detain same until disposal of it in accordance with the provisions of this bylaw.
17. The Administrator shall keep a record of all dogs and cats impounded and the time and manner of their disposal.
18. Where the dog or cat impounded is wearing a collar to which is attached a licence for the current year, or if no licence is present, but the name of owner of the impounded cat or dog is known to the Animal Control Officer or the Poundkeeper, the Administrator or Assistant Administrator shall be advised as soon as possible. The Administrator or Assistant Administrator shall notify the said owner, advising of the impounding and set forth the required amounts to be paid to have the dog or cat released. No liability whatsoever shall be attached to the Town, by reason of the failure of the owner to receive such notification.

DISPOSAL OF ANIMALS

19. (a)The Administrator may sell any dog or cat which is not redeemed within forty-eight(48) hours, excluding Saturdays, Sundays and Statutory holidays, provided that the purchaser thereof obtains a licence if he is a resident of the Town, and further provided that the dog or cat has been vaccinated against rabies.

(b)If an impounded dog or cat is not claimed within forty-eight hours (48), subject to subsection (c), from the time such dog or cat is received at the pound, excluding Saturdays, Sundays and Statutory holidays, and the fees if any, paid as herein provided, said dog or cat may be disposed of by the Poundkeeper, or at his request, any other person, without further notice by euthanasia.

(c)If a dog or cat wearing a current years licence is impounded, that animal shall be held for an additional forty-eight(48) hours, excluding Saturdays, Sundays and Statutory holidays, to the time set out in subsection (b) to allow the owner to be notified. If the owner is notified within the forty-eight (48) hour time frame set out in subsection (b) this section shall not apply.

MISCELLANEOUS

20. Any animal suspected of having rabies or other life threatening disease shall be isolated and may not be claimed from the pound, destroyed or otherwise disposed of except after notice to the Medical Health Officer and then only in compliance with the direction of the Medical Health Officer.
21. No person shall:
 - (a) untie, loosen or otherwise free an animal which has been tied or otherwise restrained; or
 - (b) negligently or willfully open a gate, door or other opening in a fence or enclosure in which an animal has been confined and thereby allow an animal to run at large in the Town.
 - (c) tease, entice, bait or throw objects at a dog confined within its owner's property.

GENERAL PENALTIES

22. (a) A person who contravenes any of the provisions of this bylaw or fails to comply therewith, or with any notice or order given thereunder shall be guilty of an offence and

upon conviction, shall be liable to a fine of not less than twenty-five (\$25.00) or more than two hundred and fifty dollars (\$250.00) and costs.

PAYMENT OUT OF COURT

- 22.1 (a) Notwithstanding Section 22.(a) where an Animal Control Officer believes that a person has contravened any provision of this bylaw, he may serve upon such person a Notice of Violation, 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.
- (b) The Notice of Violation shall be in form "A" as attached hereto and forming part of this bylaw, and shall indicate thereon the Section of the Bylaw which was contravened and the amount of the penalty to be paid as provided in Schedule "B" of this bylaw.
- (c) If payment is not received in the time required a Summons shall be issued to the person alleged to have committed the offence and thereafter the provisions of Section 22.1(b) shall not apply with respect to that offence.
- (d) The levying and payment of any fine provided in this bylaw shall not relieve a person from the necessity of payment any fees, charges or costs for which he is liable under the provision of this bylaw.
- (e) Where a dog or cat is disposed of as provided under Section 19.(b) and (c) the owner shall be liable for the disposal costs incurred.

REPEAL OF FORMER BYLAWS

23. That Bylaw No. 02 / 2016 is hereby repealed.

COMING INTO FORCE

24. That this bylaw shall come into force and have effect on the day of final passing.

Mayor

(SEAL)

Administrator

Read a third time and adopted this

___ day of _____, 2019.

TOWN OF PONTEIX
SCHEDULE "A" TO BYLAW NO. 05 / 2019
ANNUAL LICENCE FEES FOR DOGS AND CATS

DOGS:

Male dog -non-neutered -\$20.00

Male dog -neutered -\$10.00

Female dog -non-spayed -\$20.00

Female dog -spayed-\$10.00

CATS:

Male cat-non-neutered -\$20.00

Male cat -neutered -\$10.00

Female cat -non-spayed -\$20.00

Female cat -spayed-\$10.00

TOWN OF PONTEIX
SCHEDULE "B" TO BYLAW 05 / 2019

PENALTIES

OFFENCE UNDER	OFFENCE	AMOUNT
1. SECTION 4.(b)	DOG DECLARED POTENTIALLY DANGEROUS-impounded or issued violation notice for running at large	\$100.00each time
2. SECTION 7.	DANGEROUS DOG Failing to comply with Sections 6. (b) and/or (c) Dog bites, chases or attacks Failure to destroy as ordered	\$20.00 per day \$200.00 \$20.00 per day
3. SECTION 21.(a)	FIRST OFFENCE WITHIN ONE YEAR SECOND OFFENCE WITHIN ONE YEAR THIRD OR SUBSEQUENT OFFENCE WITHIN ONE YEAR	\$50.00 \$100.00 \$200.00

TOWN OF PONTEIX
SCHEDULE "C" TO BYLAW 05 / 2019

POUND CHARGES

1. DOG -\$10.00 plus any fee(s) charged for housing
2. CAT -\$10.00 plus any fee(s) charged for housing

Form "A"
Bylaw No. 05 / 2019

TOWN OF PONTEIX
NOTICE OF VIOLATION
ANIMAL CONTROL BYLAW NO. 05 / 2019

OWNERS NAME _____

OWNERS ADDRESS _____

DETAILS OF OFFENCE

DATE _____ TIME _____ P.M. _____ A.M.

DESCRIPTION OF DOG OR CAT

LICENCE NUMBER (IF APPLICABLE) _____

LOCATION OF VIOLATION _____

DESCRIPTION OF VIOLATION

SERVED BY

(Poundkeeper or Complainant)

You are charged with violation of Bylaw No. 05 / 2019

The penalty for the violation is as indicated following:

License fee @ _____	_____
First offence within one year @ \$50.00	_____
Second within one year @ \$100.00	_____
Third or subsequent offence within one year @ \$200.00	_____
Dog pound fee @ \$10.00 plus costs	_____
Cat pound fee @ \$10.00 plus costs	_____
Other fines; Section _____	_____
Total	_____

You may make voluntary payment of the above penalty at the Town Office at 213 Centre Street during regular office hours or you may mail the penalty to the Town of Ponteix at Box 330, Ponteix, Saskatchewan, S0N 1Z0 within seven days of the date of service of the Notice of Violation.

If you do not make a voluntary payment within the time set out above, you shall be liable to prosecution and upon summary conviction, you shall be liable to penalties provided under the General Penalty Bylaw.