

**TOWN OF DUNDURN
ANIMAL CONTROL BYLAW
BYLAW NO. 2023-08**

**A BYLAW TO PROVIDE FOR THE CARE AND CONTROL OF
ANIMALS**

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1. ENACTING CLAUSE

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

2. CITATION

This Bylaw may be cited as *The Animal Control Bylaw*.

3. GOVERNING LEGISLATION

- 1) *The Municipalities Act* prevails in all circumstances where there might arise a conflict between *The Municipalities Act* and *The Animal Control Bylaw*.
- 2) *The Animal Protection Act, 1999* prevails in all circumstances where there might arise a conflict between *The Animal Protection Act, 1999* and *The Animal Control Bylaw*.
- 3) *The Veterinarians Act, 1987* prevails in all circumstances where there might arise a conflict between *The Veterinarians Act, 1987* and *The Animal Control Bylaw*.
- 4) *The Wildlife Act, 1998* prevails in all circumstances where there might arise a conflict between *The Wildlife Act, 1998* and *The Animal Control Bylaw*.

4. DEFINITIONS

In this Bylaw, the following definitions apply:

- 1) **“Animal”** means all dogs, cats, and/or any type of common household pet including service animals that is deemed permissible by the bylaw to harbour within the municipality of the Town of Dundurn, but shall exclude:
 - a) fish, small amphibians, and reptiles which are normally contained in an aquarium;
 - b) hamsters, gerbils, mice, guinea pigs, and other small rodents normally kept in a cage; and
 - c) any animal which is a Prohibited Animal;
- 2) **“Animal Run”** means an enclosure or structure outside of a residential dwelling unit used for the harbouring or containment of a dog or dogs, or a cat or cats;
- 3) **“Cat”** means any domestic bred cat, male or female, neutered or spayed, of the feline family over the age of six (6) months; excluding hybrid, wild, and exotic cats;
- 4) **“CAO”** means the Chief Administrative Officer of the Town of Dundurn or designate;
- 5) **“Council”** means the Council of the Town of Dundurn;

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- 6) “**Dangerous Animal**” means any Animal declared to be dangerous by a Judge pursuant to *The Municipalities Act*.
- 7) “**Dog**” means any dog, male or female, neutered or spayed, of the canine family over the age of six (6) months;
- 8) “**Hunting**” means taking, wounding, killing, chasing, pursuing, worrying, capturing, following after or following on the trail of, searching for, shooting at, trapping, setting snares for, stalking or lying in wait for any wildlife, or attempting to do any of those things, whether or not the wildlife is then or subsequently captured, wounded or killed;
- 9) “**Judge**” means a judge of the Provincial Court of Saskatchewan or a Justice of the Peace;
- 10) “**Leash**” means a chain, rope, or strap attached to the collar or harness of an Animal, especially a dog, and used to lead it or hold it in check;
- 11) “**Livestock**” means cattle, goats, horses, sheep, swine
- 12) “**Medical Health Officer**” means the Medical Health Officer or designate, and shall include the Senior Public Health Inspector and anyone under the instructions of the Medical Health Officer for that Health Region containing the Town of Dundurn; in carrying out the provisions of this Bylaw;
- 13) “**Microchip Implant**” means an identifying integrated circuit placed under the skin of a dog, cat, or other Animal by a licenced technician, usually a Veterinarian. The chip, about the size of a large grain of rice, uses passive RFID (Radio Frequency Identification) technology to store information about the Animal, and may also be known as a PIT tag (for Passive Integrated Transponder);
- 14) “**Municipal Enforcement Officer**” shall mean the Municipal Enforcement Officer (MEO) or Bylaw Enforcement Officer or designate as appointed by Council for the Municipality, including Animal Control Officers;
- 15) “**Nuisance Animal**” means an Animal that has repeatedly exhibited Threatening and Nuisance behaviors;
- 16) “**Owner**” means the person, partnership, association or corporation who has custody and/or control of an Animal, but shall not include:
 - a) a veterinarian registered pursuant to *The Veterinarians Act, 1987* who is keeping or harbouring an Animal for the prevention, diagnosis, or treatment of a disease or of an injury to the Animal;
 - b) an urban municipality, a local Society for the Prevention of Cruelty to Animals, or a Humane Society operating pursuant to *The Animal Protection Act*, with respect to an Animal shelter or impoundment facility operated by any of them.

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- 17) **"Pet"** means Animals, fish, birds, or reptiles that are:
- a) domesticated or tamed and kept as a companion and deemed permissible by this bylaw to harbour within the Town;
 - b) not raised for profit;
 - c) not customarily raised for human consumption;
 - d) not used for the purpose of transportation;
- 18) **"Poultry"** means domestic fowl, such as chickens, turkeys, ducks and geese;
- 19) **"Pound"** means such premises and facilities as may be designated by Council for the purpose of safely lodging and securing Animals;
- 20) **"Prohibited Animal"** means any Animal as listed in the Captive Wildlife Division as restrictive according to the Province of Saskatchewan
- 21) **"Town"** means the Town of Dundurn in the Province of Saskatchewan.

5. APPLICATION

This bylaw applies to the ownership of all Animals within the Town of Dundurn.

6. LICENCING OF ANIMALS

- 1) Obtaining a Licence:
- a) Every Owner of a dog or cat six (6) months old or older shall obtain a Town issued license within 30 days of residency.
 - b) The provisions of this section shall not apply to any dog or cat kept in the ordinary course of business by the proprietors of the following premises:
 - (i) a veterinary hospital, clinic, or grooming parlor;
 - (ii) a public Animal Pound;
 - (iii) any incorporated business that includes the sale of pets;
 - (iv) a shelter operated by an association or society incorporated for the purpose of the protection and humane treatment of Animals;
 - (v) a recognized Animal show or obedience training.
 - (vi) Temporary fostering up to twelve weeks from a registered animal welfare organization
 - c) When issuing a licence for a dog or cat, the Town shall supply the applicant with a licence number plate or tag, the form of which and lettering or numbers inscribed or imprinted thereon as may be determined by the Town, and record of registration.
 - d) There shall be no annual fee for a Licence.
 - e) Any licence issued pursuant to the provisions of this Bylaw shall not be transferable to any other Animal.

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- f) If a licence number plate or tag is lost or becomes illegible, it must be replaced pursuant to this Bylaw. Replacement tags shall be \$5.00.
- g) The Owner of a dog or cat shall ensure that it wears a collar to which is attached a current licence tag whenever the Animal is off the premises of the Owner. This provision shall not apply while an Animal is participating in a recognized show, obedience trial or field trial.
- h) Every Owner of a dog or cat within the Town shall, on demand by the Municipal Enforcement Officer, or designate, produce and show his/her licence receipt or other evidence that he/she has a licence for the current year.

2) Information Required to Obtain a Licence.

When applying for a licence the applicant shall provide the Town with:

- a) a physical description of the Animal;
- b) the breed or type of the Animal;
- c) the sex, and information regarding whether the Animal is spayed/neutered or intact;
- d) the name of the Animal;
- e) any other relevant information such as a tattoo, microchip, unique markings, or medical conditions required with respect to the Animal;
- f) the Animal's history of rabies vaccinations;
- g) the name, address, and telephone number(s) of the Owner of the Animal

3) Duration of the Licence:

The licence shall be in effect from January 1st to December 31st of the calendar year in which the licence was obtained. Licenses obtained after November 1st of the calendar year shall be considered to be in effect from the time of issuance through to December 31st of the following calendar year.

4) Failure to license animals shall result in the penalties applied in Schedule A x 2.

7. BEES, LIVESTOCK, AND POULTRY

- 1) No person shall keep bees, livestock, or poultry within the Town

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8. PROHIBITED ANIMALS

- 1) The ownership or harbouring of any Prohibited Animals, as outlined in the Captive Wildlife Division, Restricted List in Saskatchewan, is strictly prohibited.
- 2) No person or corporation shall operate a pet shop that buys, sells, trades, exhibits or harbours any animal or hybrid of any animal of the kinds listed.

9. MAXIMUM NUMBER OF ANIMALS ALLOWED:

No more than four (4) Animals over the age of six (6) months shall be owned and/or harboured in a single dwelling, excluding:

- 1) a veterinary hospital, clinic, boarding kennel, or grooming parlor;
- 2) a public Pound;
- 3) a shop whose business includes the sale of pets and is licensed as such;
- 4) a shelter operated by an association or society incorporated for the purpose of the protection and humane treatment of Animals;

10. ANIMAL RUNS

- 1) Where an Animal is kept in an Animal Run the Owner shall ensure that the Animal Run is kept in a sanitary and structurally sound condition protecting the health and safety of the Animal.
 - a) Daily, clean, potable water and food enough to ensure normal growth and body weight
 - b) Opportunities for regular exercise outside of an enclosure and social contact with people and other animals to ensure good health
 - c) Necessary veterinary care when the animal exhibits signs of pain, injury, suffering, disease or illness.
- 2) The following should be taken into consideration for the construction of an Animal Run:
 - a) Light; provide sufficient shade options to protect the animal from direct sunlight
 - b) Ventilation; prevent suffering and discomfort from heat or cold related injury
 - c) Protection from the elements including weatherproof roofing and flooring (if used) that is secured firmly to the sides of the enclosure to ensure stability. The enclosure shall:
 - (i) Protect from heat, cold and wetness appropriate for the animal's weight and type of coat,
 - (ii) Have shade options for being out of direct sunlight, be large enough for the animal to stand, easily turn around and move freely,
 - (iii) Use dry, clean bedding to regulate body temperature
 - (iv) Be cleaned daily to remove excrement
 - d) use of weather resistant wood or materials;
 - e) a latch or fastener to prevent the Animal from escaping, and which may prevent the entry of unauthorized persons and young children.

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11. RESTRAINTS

1) Animal Restraint Specifications:

- a) An Animal which is restrained on private property by leash or means other than an approved Animal Run shall be restrained in the following manner:
 - (i) The restraint shall not include a choke, prong or shock collar as part of the securing apparatus,
 - (ii) The restraint shall not be a rope or cord tied directly to the animal's neck,
 - (iii) the restraint shall be of sufficient strength and kept it in a state of good repair so that the Animal will not escape or injury itself, and that it cannot be chewed through, and;
 - (iv) the restraint shall be securely situated in the yard such that it will not allow the Animal to approach closer than two (2) metres of any sidewalk, street, or lane.

2) Leash Specifications:

- a) Dogs must be on a leash no longer than 1.8 metres in length at all times when in any public area, unless it is a designated off-leash area.

3) Running at Large

- a) The Owner or any other person having care or control of an Animal shall at no time allow the Animal to run at large.
- b) When not on the Owner's private property, animals must be under a person's control at all times.
- c) The Animal will be considered to be at large when:
 - (i) the Animal is beyond the boundaries of the land occupied by the Owner or any other person having care or control of an Animal;
 - (ii) beyond the boundaries of any lands where it may be with the permission of the Owner or occupant of the said land not securely confined within an enclosure;
 - (iii) not securely fastened or leashed, thereby enabling it to roam at will
- d) Animals are not allowed in any splash park area or play structure area.
- e) No person shall in any way use poison, air pellet guns, bows and arrows, sling shots or the like on any animal.

12. DEFECATION

- 1) Any person having care or control of an Animal, shall immediately remove any defecation left by it on public or private property other than the private property of the Animal's Owner and dispose of it in a sanitary fashion.
- 2) The Owner or any other person having care or control of an Animal, shall ensure that defecation on the property of the Owner does not accumulate to such an extent that it may cause a nuisance and/or health risk to others.
 - a) An accumulation of feces becomes a nuisance if it's unsightly, odorous or of a quantity that is likely to annoy or aggravate others. A Municipal Enforcement Officer or Town designate may request the Owner or Occupant to remove all animal feces within 72hrs of notice of violation.

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13. ANIMAL BITES AND RABIES

- 1) If an Animal has bitten an individual or another Animal the individual shall provide the full details of the Animal(s) and its Owner(s) to the Municipal Enforcement Officer or RCMP.
- 2) When an Animal is suspected of being rabid, or has been in contact with a rabid Animal, it shall be reported immediately to the Medical Health Office, Conservation Office, and/or the veterinary clinic.

14. THREATENING AND NUISANCE BEHAVIOR OFFENCES

- 1) No Animal shall, without provocation:
 - a) bite a person or other Animal whether on the property of the Owner or not;
 - b) engage in an act that injures a person or other Animal, whether on the property of the Owner or not;
 - c) chase or otherwise threaten a person or other Animal whether on the property of the Owner or not, unless the person or Animal being chased or threatened is a trespasser on the property of the Owner;
 - d) bark at, or chase people or other Animals, bicycles, automobiles, or other vehicles;
 - e) bark, howl, or hiss at night in such a manner or duration that disturbs any person acting reasonably;
For the purposes of this subsection, the factors for determining whether the barking or howling of an animal has become a nuisance are as follows:
 - i. the proximity of the barking or howling to sleeping facilities;
 - ii. the land use, nature and zoning of the area from which the barking or howling emanates and the area where it is received or perceived;
 - iii. the time of day or night the barking or howling occurs;
 - iv. the duration of the barking or howling;
 - v. whether the barking or howling is the result of provocation;
 - vi. the volume of the barking or howling; and
 - vii. whether the barking or howling is recurrent, intermittent or constant
 - f) cause damage to property;
 - g) defecate, urinate, or spray on private property, except with respect to the private property of the Animal's Owner;
 - h) dig in flowerbeds and gardens or waste receptacles that are not that of the Owner;
 - i) upset waste receptacles or scatters the contents thereof;
 - j) trespass on private property whether or not the Animal is running at large or is leashed.
- 2) The Owner of an Animal shall take all measures to prevent any nuisance behaviour.

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15. DANGEROUS ANIMALS

- 1) No person shall keep or harbour an animal that has been declared by a judge to be a Dangerous Animal within Town limits.
- 2) Sections 374 - 380 of *The Municipalities Act* applies in all circumstances.

16. SEIZURE AND IMPOUNDING

- 1) Authority to Seize and Impound
 - a) If any Animal has acted in contravention, or if the Municipal Enforcement Officer believes on reasonable grounds that the animal has acted in contravention of this Bylaw, then that Animal may be seized and impounded.
 - b) The Municipal Enforcement Officer may enter onto any land surrounding any building in pursuit of any animal observed behaving contrary to the provisions of this Bylaw.
- 2) Interfering with the Seizure or Impounding of an Animal
 - a) No person, whether or not they are the Owner of an Animal, shall:
 - (i) interfere with, or attempt to obstruct, the Municipal Enforcement Officer who is attempting to seize or has seized any Animal in accordance with the provisions of this Bylaw;
 - (ii) intentionally allow any Animal to escape by opening any vehicle or facility in which an Animal has been seized or impounded under this Bylaw;
- 3) When an impounded Animal is wearing a licence tag, the Municipal Enforcement Officer shall make every reasonable effort to contact the Owner registered in the Town licensing records.
- 4) It shall be the duty of the Municipal Enforcement Officer to provide each impounded Animal with an adequate supply of food, fresh water, and shelter from the elements during confinement in the Pound.
- 5) Any Animal seized pursuant to this Bylaw shall be impounded until such time that any fines are paid. Impoundment fees will be charged to the Owner as set forth in Schedule "A".
- 6) Any unlicensed Animal which is impounded shall not be released until the outstanding fees and fines are paid and the Owner meets the requirements set out in Section 6, Licensing of Animals.
- 7) Any Animal seized pursuant to this Bylaw shall be impounded for a period of up to seventy-two (72) hours excluding the day of impoundment, weekends, and statutory holidays.
- 8) Where an Animal has not been reclaimed within seventy-two (72) hours, or where the Owner of the Animal has failed or refused to comply with Subsections (5) and (6), the Owner forfeits all Ownership rights and the Animal shall become the property of the Town.

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17. CONSERVATION OFFICER PRIVILEGES

The Town awards provincial Conservation Officers the authorization to discharge a firearm within Town limits when:

- 1) an Animal is threatening the life of an individual or another Animal;
- 2) wildlife has entered the Town limits and is causing a nuisance and cannot be safely removed through other means, or;
- 3) a sick or injured Animal that is found within the Town and immediate euthanizing of the Animal is required in order to avoid unnecessary suffering of the Animal.

18. COMMUNICABLE DISEASE, GRAVE INJURIES, AND EUTHANASIA

- 1) If an animal is suspected to have a communicable disease, the Owner must:
 - a) isolate the animal in a manner that will prevent further spread of the disease;
 - b) seek an assessment by a veterinarian; and
 - c) follow the orders of such veterinarian, the Municipal Enforcement Officer, and any government officials who have authority to issue such orders.
- 2) The veterinarian may take immediate action to euthanize any sick or gravely injured animal found within the Town where, in the opinion of a Veterinarian, immediate euthanizing of the animal is required in order to avoid unnecessary suffering of the animal.
- 3) Reasonable efforts shall be made to contact the Owner of an Animal before it is euthanized unless deemed in critical distress by a veterinarian. No liability lies against the Town, the CAO, the Municipal Enforcement Officer or Veterinarian if the Owner cannot be contacted.

19. GENERAL VIOLATIONS

- 1) Teasing and Enticing Animals
Any person teasing, enticing, baiting, or throwing objects at an Animal confined within its Owner's property shall be in violation of this Bylaw.
- 2) Unsanitary Conditions
No person shall keep an Animal in an unsanitary condition. Conditions shall be considered unsanitary where the keeping of the Animal results in an accumulation of fecal matter, an odor, insect infestation, or rodent attractants which endanger the health of the Animal or any person, or which disturb or are likely to disturb the enjoyment, comfort or convenience of any person in or about any dwelling, office, hospital or commercial establishment.

20. PAYMENT OF NOTICES OF VIOLATION

- 1) Where any person has committed or is alleged to have committed a breach of any of the provisions of this Bylaw, a Police Officer, Municipal Enforcement Officer, or any person duly authorized by Council for offences against this Bylaw may issue a ticket, notice, or

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summons to the person in contravention.

- 2) A person who is issued a ticket, notice, or summons relating to the contravention of any provision of this Bylaw may voluntarily pay the prescribed penalty in Schedule "B" at the Dundurn Municipality Administration Office between the hours of 11:00 a.m. and 5:00 p.m., excepting Fridays, Saturdays, Sundays, and public holidays.
- 3) If the Town of Dundurn receives voluntary payment of the prescribed penalty within a period of ten (10) days from the service of the said ticket or notice, then that person shall not be liable to prosecution for the alleged contravention.

21. PENALTIES, NOTICES OF VIOLATION AND RIGHT OF APPEAL

- 1) Any person who contravenes any of the provisions of this Bylaw or fails to comply therewith or with any notice or order issued is guilty of an offence and liable on summary conviction to:
 - a) a fine in the amount set out in Schedule "B"; or
 - b) Where a fine is not specified, to a fine of up to an amount not exceeding the amounts provided for by the Town of Dundurn General Penalty Bylaw.
- 2) For the purpose of determining the applicable fine required by section 22(1)(a), the number of offenses shall be determined by the number of previous notices of violation, that are not subject of an appeal, issued in relation to that particular animal.
- 3) A person desiring to appeal a conviction pursuant to this Bylaw shall, within seven days of the conviction being appealed from, file a notice of appeal with the Court, and the provisions of Part XXVII of the Criminal Code apply with any necessary modification.

22. DISOBEY A BYLAW ENFORCEMENT OFFICER

- 1) It shall be an offence for any person to harass, threaten, and use excessive profanity or to disobey a Municipal Enforcement Officer or Town of Dundurn employee.
- 2) No person, whether or not they are the owner of an animal which is being or has been pursued or seized shall:
 - a) Interfere with or attempt to obstruct a Municipal Enforcement Officer who is attempting to seize or has seized any animal in accordance with the provisions of this Bylaw.
 - b) Unlock or unlatch or otherwise open the vehicle in which the animal is seized has been placed under this Bylaw, so as to allow or attempt to allow any animal to escape therefrom.
 - c) Remove or attempt to remove any animal from the possession of the Municipal Enforcement Officer.

PENALTY:

Disobey Municipal Enforcement Officer..... \$100.00

23. COMPLAINTS



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Complaints from individuals in regard to any section of this bylaw must be placed in writing by completing Schedule D – Animal Bylaw Infraction Report and submit to the Town administration or Bylaw Enforcement Officer.

The identity of the complainant will be kept confidential to protect the innocent.

24. GOVERNING LAW

This Bylaw shall be construed and enforced according to the laws of Saskatchewan and any dispute under this Bylaw must be brought in this venue and no other.

25. SEVERABILITY

If any term in this Bylaw is held by a court of competent jurisdiction to be invalid or unenforceable, then this Bylaw, including all of the remaining terms, will remain in full force and effect as if such invalid or unenforceable term had never been included.


26. REPEAL AND COMING INTO FORCE

Town of Dundurn Bylaw No. 18-2004 and all amendments thereto is hereby repealed.





Mayor
Curtis Boyes



Chief Administrative Officer
Valerie Schlosser

First reading December 12, 2023

Second Reading December 12, 2023

Third Reading and adopted January 9, 2024

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SCHEDULE "A" - COSTS OF IMPOUNDING AND MAINTAINING ANIMALS

1. The cost of impounding and maintaining Animals shall be determined by the Town of Dundurn.
2. The fees for impounding an animal shall be \$75.00 per day.
(Charges and Rates based on a 24-hour period, 12:00 p.m. to 12:00 p.m.)
3. In addition to the above costs, if an Animal does not have a current and valid license issued pursuant to Section 6 of this bylaw, an additional charge of \$75.00 per day shall be added to cover additional costs incurred by the Town in attempting to determine the name of the Owner of the Animal for the purpose of notifying the Owner that the Animal has been impounded.
4. If a seized and impounded Animal does not have a license tag attached, the fine as set out in Schedule "B" for failure to attach tag and the costs for locating the Owner, as per subsection 3 of this schedule, shall be waived. Regardless of whether an Animal has a microchip or not, all Animals require a license within the Town.
5. In addition to the above costs, any actual costs of veterinary care provided to the Animal while it is impounded shall be added to the fees and/or fines.

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SCHEDULE "B" – PENALTIES

Offence		Penalty (Fine)	
		Time of Issuance (paid within 10 days)	After 10 days
Failure to licence an Animal	1st Offence	\$75	\$150
	2nd Offence	\$100	\$200
	3rd Offence	\$250	\$500
Failure to attach a valid licence tag when an animal is off the premises of the Owner	1st Offence	\$50	\$100
	2nd Offence	\$100	\$200
	3rd Offence	\$200	\$400
Owning or harbouring any prohibited animals	1st Offence	\$100	\$250
	2nd Offence	\$250	\$500
	3rd Offence	\$500	\$1000
Exceeding limit of allowable animals on any one property (harbouring)		\$100 for each animal exceeding the limit, plus incurred removal costs	\$200 for each animal exceeding the limit, plus incurred removal costs
Animal at large	1st Offence	\$75	\$150
	2nd Offence	\$100	\$200
	3rd Offence	\$250	\$500
Chickens	1st Offence	\$50	\$100
	2nd Offence	\$100	\$200
	3rd Offence	\$250	\$500
Failure to comply with regulations of off-leash areas.	1st Offence	\$50	\$100
	2nd Offence	\$100	\$200
	3rd Offence	\$250	\$500

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SCHEDULE "B" – PENALTIES Continued

Offence		Penalty (Fine)	
		Time of Issuance (paid within 10 days)	After 10 days
Failure to immediately remove an animal's excrement (defecation) from public property or private property other than the property of the Animal's Owner	1st Offence	\$75	\$150
	2nd Offence	\$100	\$200
	3rd Offence	\$250	\$500
Animal creating a nuisance or acting in a threatening manner	1st Offence	\$75	\$150
	2nd Offence	\$100	\$200
	3rd Offence	\$250	\$500
Dog attack		Fines ranging from \$100 to \$2,500 depending on implied severity	
Unsanitary Conditions	1st Offence	\$75	\$150
	2nd Offence	\$100	\$200
	3rd Offence	\$250	\$500
Teasing or Enticing Animals	1st Offence	\$75	\$150
	2nd Offence	\$100	\$200
	3 RD Offence	\$250	\$500
**The penalty will be doubled for any animal that is unlicensed.			

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SCHEDULE C

ANIMAL CONTROL BYLAW INFRACTION REPORT

Date of Occurrence: (yyyy/mm/dd) _____

Estimated Time of Occurrence: _____

Animal Description: _____

(include type, colour, size and license number if available)

Suspected Animal Caretaker: (if available) _____

Description of Incident:

Evidence Collected: (pictures, additional witnesses, video, audio recording)

Name of Complainant: _____

(will be kept confidential unless otherwise ordered by court of law)

Signature of Complainant: _____

For Office Use Only

Enforcement Action:

Enforcement Date

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