

TOWN OF WALDHEIM

BYLAW #1-2011

A BYLAW TO CONTROL ANIMALS IN THE TOWN OF WALDHEIM

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

1. This bylaw shall be known as the "Animal Control Bylaw".

2. **DEFINITIONS**

In this bylaw, the following definitions apply:

- a) **Administrator** - means the administrator for the Town of Waldheim.
- b) **Bylaw enforcement officer** - means the person or persons appointed or contracted by the Council of the Town of Waldheim for the purpose of enforcing the provisions of this bylaw.
- c) **Cat** - means a male or female cat or a male or female kitten over eight (8) weeks of age.
- d) **Council** - means the Council of the Town of Waldheim.
- e) **Dog** - means a male or female dog or a male or female puppy over eight (8) weeks of age.
- f) **Dangerous dog** - means
 - i) any dog that, without provocation, in a vicious or menacing manner, chases or approaches a person or domestic animal in an apparent attitude of attack;
 - ii) any dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise threaten the safety of persons or domestic animals;
 - iii) any dog that, without provocation, has bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal;
 - iv) any dog which is owned primarily or in part for the purpose of dog fighting or is trained for fighting.
- g) **Municipality or town** - means the Town of Waldheim.
- h) **Owner** - includes:
 - i) a person, persons, partnership, association or corporation who keeps, possesses, harbours 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.
- i) **Pound** - means such premises and facilities as may be designated by the Council of the Town of Waldheim for the purpose of safely lodging and securing animals seized pursuant to this bylaw.
- j) **Poundkeeper** - means a person designated by the Town of Waldheim from time to time to maintain and administer the pound.
- k) **Person** - means and includes an individual(s), partnership, association or corporation.
- l) **Restricted dog** - means:
 - i) pit bull terrier, American pit bull terrier, pit bull, Staffordshire bull terrier, bull terrier, American Staffordshire terrier, doberman pinscher, rottweiler, Rhodesian ridgeback, wolf hound, wolf cross, coyote cross, bulldog, bull mastiff or any dog of mixed breeding which includes any of the aforementioned breeds (which can be identified through its physical characteristics) or, a dog declared dangerous under Section 375 of *The Municipalities Act*.

- ii) any dog that has been trained as a guard dog where such training involves physical attack on an intruder when such animal is not engaged in guarding a business premise.
- m) **Running at large** - means when the dog or cat is beyond the boundaries of the land occupied by the owner, possessor, harbourer 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 and continuous charge of a person competent to control it; or
 - ii) securely confined within an enclosure; or
 - iii) securely fastened so that it cannot roam at will.

3. REGISTERING

- a) Every owner of a dog or cat within the town shall cause each such dog or cat to be registered with the Town Office. At the time of registering, the applicant shall provide the Town Office with a physical description of the dog or cat, the breed of the dog or cat, the name, address and telephone number of the owner of the dog or cat, as set out in the form designated Form "A" and attached hereto, and in the case of a dog, a rabies certificate valid for the registration year .
 - b) The registration year for dogs and cats shall be from the first day of January to the thirty-first day of December of the same year.
 - c) Every owner of a dog or cat shall, no later than February first in each year, register the said dog or cat at the Town Office, and failure to do so shall constitute an offence under this bylaw.
 - d) In addition to the registration requirements laid down in Section 3(a)(b)(c), the owner of a dog or cat shall pay an annual registration fee as set out in Schedule "A" attached hereto.
 - e) The sum payable for a registration fee required after the thirty-first day of July in a calendar year shall be calculated at fifty percent of the annual fee and shall expire on the thirty-first day of December in the same calendar year.
 - f) Any dog or cat registration certificate or applicable fee issued pursuant to the provisions of this bylaw by the town shall not be transferable to any other dog or cat.
 - g) Notwithstanding Section 3(d), a restricted 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 a registration fee.
 - h) 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:
 - i) a veterinary hospital, clinic, boarding kennel or grooming parlour;
 - ii) a public pound;
 - iii) a shop whose business 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.
 - i) A person residing in the town who owns, possesses, keeps or harbours a dog or cat and neglects or refuses to register or pay any applicable registration fee shall be subject to the penalties as outlined in Schedule "A" of this bylaw.
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4. RUNNING AT LARGE

- a) The owner of a dog or cat shall not at any time allow the dog or cat to run at large within the town.
- b) When a 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.
- c) Where a dog or cat is found to be running at large, the owner or occupant of that property on which the dog or cat is running at large may make a written complaint to the bylaw enforcement officer.

5. SEIZURE AND IMPOUNDING

- a) A bylaw enforcement officer or peace officer may seize and impound any dog or cat observed to be at large.
- b) A bylaw enforcement officer or peace officer may enter onto land surrounding any building in pursuit of any dog or cat which has been observed to be at large.
- c) The bylaw enforcement officer is hereby authorized to seize and capture, by any humane method, and impound any dog or cat running at large contrary to the provisions of this bylaw.
- d) Any person may take any dog or cat found running at large contrary to the provisions of this bylaw to the Town pound.
- e) Any person may be issued a cat trap upon execution of an agreement as set out in designated Form "A", and such person shall abide by the terms of the cat trap permit agreement.
- f) No person, whether or not he is the owner of a dog or cat which is being or has been pursued or seized, shall:
 - i) 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;
 - ii) 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 therefrom.
 - iii) remove or attempt to remove any dog or cat from the possession of the bylaw enforcement officer.

6. POUND

- a) The Council shall endeavour to appoint a poundkeeper.
 - b) All dogs and cats impounded in the pound shall be so confined therein for a period of 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 Town Office the amount set forth in Schedule AB@ to this bylaw.
 - c) 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 until it has been registered.
 - d) When a dog or cat has been impounded, the Town 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 72 hours from the date of the impounding, the said dog or cat shall be dealt with pursuant to the provisions of the bylaw.
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- e) All impounded dogs or cats which are not claimed within 72 hours as aforesaid, may be sold by the Town Office to any person paying for such dog or cat, a sum of not less than \$35.00 for the use of the Town pound plus the cost of registering as provided for by this bylaw. In the event any dog or cat is not sold after expiration of the said 72 hours, it shall be disposed of in the most humane way possible.
- f) It shall be the duty of the poundkeeper to provide each dog or cat impounded under the authority of this bylaw an adequate supply of food and fresh water and proper shelter during its confinement in the pound on a daily basis.
- g) Any dog or cat found in any public street, lane, park, boulevard or other public place or otherwise running at large contrary to the provisions of this bylaw, the bylaw enforcement officer or peace officer may seize and impound by any humane method.

7. STERILIZATION OF CATS

- a) It shall be unlawful for any person to be or become an owner of a cat that is actually or apparently over six months of age unless the cat has been sterilized.
- b) If a cat, with or without identification, has not been sterilized, the person claiming ownership may be cited by the bylaw enforcement officer for a violation of Section 7 a). The penalty for violating Section 7 a) shall be waived upon proof that the cat has been sterilized being furnished to the bylaw enforcement officer within 30 days after the date the citation was issued.

8. LITTER - DOGS AND CATS

- a) If a dog or cat defecates on any public or private property other than the property of the owner, possessor or harbourer of the said dog or cat, the owner, possessor or harbourer 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 of this bylaw.
- b) Defecations deposited on the private property of the owner, possessor or harbourer of a dog or cat shall be removed and disposed of in a sanitary manner on a weekly basis.

9. NUISANCE

- a) The owner, possessor or harbourer of a dog shall not allow the animal to create a nuisance to any person by barking, howling, attempting to bite or biting anyone or any domestic animal, chasing vehicles or bicycles and any owner, possessor or harbourer who contravenes this section commits an offence under this bylaw.
 - b) The owner, possessor or harbourer 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 harbourer. Any owner, possessor or harbourer who contravenes this section commits an offence under this bylaw.
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- c) 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 bylaw enforcement officer.

10. RABIES AND OTHER DISEASES

- a) 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.
- b) An owner, possessor or harbourer 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 DOGS

- a) Where a complaint is received by the Town Office that a dog within the town is dangerous, Section 375 of *The Municipalities Act*, shall apply.

12. RESTRICTED DOGS

- a) Requirements for obtaining and maintaining a registration for a restricted dog are as follows:
 - i) An owner of a restricted dog shall maintain in force a policy of liability insurance providing third-party liability coverage in a minimum amount of \$500,000.00 for injuries caused by the owner's restricted dog. The owner shall provide a photocopy of the said liability insurance policy to the Town Office when applying for a restricted dog registration.
 - ii) Within one month after the passage of this bylaw, the owner of a restricted dog shall provide the Town Office with a photocopy of such liability policy before he or she may register a restricted dog.
 - iii) At all times while a restricted dog is on the premises of its owner, the owner shall either keep such dog confined indoors under the effective control of a person over the age of sixteen (16) years, or confined in a securely enclosed and locked pen or other structure built to prevent the escape of the restricted dog and capable of preventing the entry of young children.
 - iv) Such pen or enclosure shall have secure sides and top and if the bottom is not secured to the sides, the sides must be embedded in the ground to a minimum depth of one (1) foot. If the dog shows a propensity for trying to escape from the pen or enclosure by digging, the enclosure or pen shall be constructed so as to prevent this.
 - v) When any restricted dog is off the premises of the owner, the owner shall securely muzzle such dog and either 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.
 - vi) The owner shall display a sign on his/her property warning of the presence of the dog. Example – "BEWARE OF DOG".

13. LIVESTOCK AND POULTRY

- a) For purposes of this section, the following definitions shall apply:
 - i) **livestock** - means any domestic animal usually raised for sale and profit, including but not necessarily limited to:
 - (1) an animal as defined in Section 2(b) of *The Stray Animals Act*; or
 - (2) an animal as defined in Sections 2 and 3 of *The Stray Animals Regulations, 1999*.
 - ii) **poultry** - means:
 - (1) domestic fowl usually propagated and fattened for the table and for their eggs, feathers, etc. including, but not limited to chickens, geese, ducks, turkeys, guinea fowl; or
 - (2) pigeons of the species *Columba livia*, commonly known as the domestic pigeon, and includes pigeons raised for the purpose of racing, show, table and pets and includes feral pigeons.
- b) No person shall possess, harbour, confine, herd, ride, walk or graze or allow to graze any livestock or poultry within the limits of the town.
- c) Section 13(b) shall not apply to livestock and poultry brought into town for the duration of a council authorized special event at which the said livestock and poultry will be used for purposes of exhibition or performing at a special event.

14. GENERAL PENALTY

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 \$250.00 and not more than \$2,000.00.

15. PENALTY

- a) 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 "C" attached to and forming a part of this bylaw, may be served on such person by the bylaw enforcement officer.
 - b) A person to whom a ticket is being issued pursuant to this section shall furnish the bylaw enforcement officer with his/her name and address upon request.
 - c) Notwithstanding Section 14, a person who contravenes any provision of this bylaw, upon being served with a ticket, may voluntarily pay the prescribed penalty as set forth in Schedule AC@ to this bylaw.
 - d) If the Town receives voluntary payment of the prescribed penalty within seven (7) days from the date the ticket was issued, the person receiving the ticket shall not be liable for prosecution for the offence.
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- e) If the person who has committed or is alleged to have committed a breach of any section of this bylaw fails to pay the specified fine within the time allowed following service of the ticket, the provisions of this section no longer apply and the person shall be liable to prosecution for the offence.
- f) It shall be an offence for any person to harass, threaten, use excessive profanity towards, or to disobey a "Bylaw Enforcement Officer".

16. SEVERABILITY

- a) A decision of the court that one or more of 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.

Mayor Barbara Schultz

(S E A L)

Chief Administrative Officer D. Chris Adams

SCHEDULE "A" TO BYLAW #1-2011

Annual registration fee {Section 3(d)}

 Restricted dogs

\$ 50.00

 Non-restricted dogs

\$ 10.00

 Cats

\$10.00

SCHEDULE "B" TO BYLAW #1-2011

Section 6(b) Dog or Cat Pound Fees

Impoundment:

 First offence

\$ 40.00 plus \$5.00 per day or part thereof

 Subsequent offences
 within 12 months

\$ 80.00 plus \$5.00 per day or part thereof

SCHEDULE "C" TO BYLAW #1-2011

**PENALTIES - NON-RESTRICTED DOGS
- CATS**

Section	Offence	Offences	
		First	Subsequent
<i>If paid within 7 days of date of issue of the notice of violation:</i>			
3(c)	Failure to register	\$ 20.00	\$ 40.00
4(b)	Running at large	\$ 25.00	\$ 50.00
7	Failure to sterilize cat	\$ 25.00	\$ 50.00
8	Failure to remove defecation	\$ 25.00	\$ 50.00
9 (a)	Nuisance dogs	\$ 25.00	\$ 50.00
9 (b)	Nuisance cats	\$ 25.00	\$ 50.00
	Falsifying breed of dog when registering	\$ 50.00	\$ 100.00
<i>If paid after 7 days of the date of issue of the notice of violation:</i>			
	All offences as listed above	\$ 150.00	\$ 300.00

PENALTIES - RESTRICTED DOGS

3(d)	Failure to obtain and keep in force registration fee	\$ 250.00	\$ 500.00
11	Failure to maintain a policy of liability insurance	\$ 250.00	\$ 500.00
11	Failure to confine in proper enclosure when on owners, possessors or harbourers premises	\$ 250.00	\$ 500.00
11	Failure to muzzle and harness or leash when off premises of owner, possessor or harbourer	\$ 250.00	\$ 500.00
11	Failure to prevent from running at large	\$ 250.00	\$ 500.00

PENALTIES - GENERAL

15(f)	Harass, threaten, use excessive profanity or disobey a Bylaw Enforcement Officer	\$100.00	
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DOG and CAT REGISTRATION FORM

Name of Owner: _____

Address (mailing): _____

(civic) _____

Phone number: _____

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Dog or Cat (circle One)

Tag # _____

Breed of dog or cat: _____

Physical description: _____

Rabies Certificate provided (for dogs only) Yes / No (attached copy)

For restricted dogs only:

Liability insurance policy of \$500,000.00 in place Yes / No (attached copy)

\$50.00 registration fee paid: Receipt # _____