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**BYLAW 01 - 2013**

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**THE ANIMAL CONTROL BYLAW**

A Bylaw in the Town of Kyle, in the Province of Saskatchewan, to provide for the Control of Animals in the Town of Kyle.

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

1. **SHORT TITLE**

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 Kyle
- b. Animal – means any animal other than a dog, cat or bee
- c. Bylaw Enforcement Officer – means the person(s) appointed by council
- d. Cat – means a male or female cat or a male or female kitten over eight (8) weeks of age
- e. Council – means the council of the Town of Kyle
- f. Dog – means any dog, of the canine family over eight (8) weeks of age
- g. Dangerous dog – means as set out under Division 5 of the Municipalities Act
- h. Livestock – means cattle, goats, horses, sheep, swine, and all other fur bearing animals, but does not include “pets”.
- i. Menacing dog means:
  - i. Any dog, that without provocation, in a menacing manner, chased or approached a person or other pet in an apparent attitude of attack;
  - ii. Any dog that, without provocation has bitten, inflicted injury assaulted or otherwise attacks a person or other pet.
- j. Municipality or town – means the Town of Kyle
- k. Owner – includes:
  - i. A person who keeps, possesses or 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;
- l. Pets – means animals or birds that are:
  - i. Domesticated or tamed and kept as a companion
  - ii. Not raised for profit
  - iii. Not customarily raised for human consumption; and
  - iv. Not used for the purpose of transportation
- m. Person – means and includes an individuals(s), partnership, association or corporation;
- n. Poultry- means chickens, ducks, geese, turkeys, pheasants, emus and ostriches;
- o. Pound – means 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.
- p. Pound keeper – means a person(s) designated by the council from time to time to maintain and administer the pound.
- q. Running At Large – means when the dog or cat is beyond the boundaries of the land occupied by the owner, possessor or 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 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

- r. Coming Into Force – shall mean the date upon which this bylaw receives a third reading and is adopted by the Council.

### 3. REGISTRATION

- a. Every owner of a dog and or cat within the Town shall cause each such dog and or cat to be registered with the Town office within 30 calendar days. At the time of registering, the applicant shall provide the Town office with
  - i. the name, address and telephone number of the owner of the dog and or cat
- b. The town shall supply a numbered tag for each dog and or cat registered.
- c. Any dog and 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 and or cat.
- d. 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 parlor;
  - 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;
- e. A person residing in the town who owns, possesses, keeps or harbors a dog and 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' attached hereto and which may be amended from time to time by resolution of Council.

### 4. RUNNING AT LARGE

- a. The owner of a dog shall not at any time allow the dog to run at large within the town;
- b. The owner of a cat shall not allow the cat to run at large within the town without a tag
- c. When a dog without a tag is found to be running at large, its owner is deemed to have failed or refused to comply with the provisions of this section.
- d. Where a dog is found to be running at large, the owner or occupant of that property on which the dog is running at large may make a written complaint at the Town of Kyle municipal office to be forwarded to the Bylaw Enforcement Officer or Peace Officer.

### 5. LIMITS – DOGS AND CATS

- a. No person within the town shall harbor or keep more than three (3) dogs on any one property. If the owner fails or refuses to comply with the provisions of this section he/she shall be subject to the penalties as set out in Schedule 'A' attached hereto and which may be amended from time to time by resolution of Council.
- b. No person within the Town shall harbor or keep more than three (3) cats on any one property. If an owner fails or refuses to comply with the provisions of this section, he/she will be subject to the penalties as set out in Schedule 'A' attached hereto and which may be amended from time to time by resolution of Council.

### 6. SEIZURE AND IMPOUNDING

- a. A Bylaw Enforcement Officer or Peace Officer shall have the authority to impound dogs or cats if the owner of the dog or cat is in contravention of any section of this bylaw, and further will be subject to the penalties as set out in Section 'A' attached hereto and which may be amended from time to time by resolution of council.
- b. A Bylaw Enforcement Officer or Peace Officer may seize and impound any dog or cat observed to be at large.
- c. A Bylaw Enforcement Officer or Peace Officer may enter onto land surrounding any building in pursuit of any dog or cat that has been observed to be at large.
- d. The Bylaw Enforcement Officer or Peace Officer, trained by a qualified person, is hereby authorized to seize and capture, by the use of a tranquilizer gun or other method authorized by resolution of council, to impound any dog or cat running at large contrary to the provision of this bylaw.

- e. Any person may take any dog or cat found running at large contrary to the provisions of this bylaw to the Town pound.
- f. No person, whether or not he/she 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 or Peace Officer who is attempting to seize any dog or cat in accordance with the provisions of this bylaw;
  - ii. Unlock or unlatch or otherwise open the vehicle in which the dog(s) or cat(s) seized under this bylaw have been placed so as to allow or attempt any dog(s) or cat(s) to escape there from;
  - iii. Remove or attempt to remove any dog(s) or cat(s) from the possession of the Bylaw Enforcement Officer or Peace Officer.

#### 7. POUND

- a. The Council shall endeavor to appoint a pound keeper.
- b. 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 registered owner thereof shall have the right to repossess the said dog(s) or cat(s) upon paying to the town office the amount set forth in Schedule 'A' attached hereto and which may be amended from time to time by resolution of council.
- c. No dog(s) nor cat(s) that is impounded shall be released to its registered owner or to any other person until the appropriate pound fee is paid and in the case of a dog(s) and or cat(s), 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 is 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 provision of this bylaw.
- e. When a cat has been impounded, the town office shall immediately post notice in the town office containing a description of the cat along with the terms of release.
- f. The owner of all impounded animals will be charged a sum of Ten dollars (\$10.00) per day for the use of the town pound and any dog or cat is not sold after expiration of the said seventy-two (72) hours, it shall be transferred to the nearest animal shelter and have the description and picture posted at the town office for a period of not less than seven (7) days.
- g. 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 and fresh water during its confinement in the pound.
- h. Any dog 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 the use of a tranquilizer gun or other methods authorized by council.

#### 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 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 of this bylaw.
- b. Defecation deposited on the private property of the owner, possessor or harbinger of a dog and/or cat shall be removed and disposed of in a sanitary manner on a regular basis.

#### 9. NUISANCE

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

#### 10. RABIES AND OTHER DISEASES

- a. Any dog or cat suspected of having rabies shall not be killed, but shall be secured and the matter immediately reported to a veterinary clinic whose instructions shall be complied with.

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- b. An owner, possessor or harbinger of a dog or cat who neglects or refuses to comply with any order of the veterinary instructions shall be guilty of an infraction of this bylaw.

#### 11. MENACING DOGS

- a. Requirements for obtaining and maintaining a registration for a menacing dog:
  - i. In addition, to the registration requirements laid down in Subsection 3 (a), the owner of a menacing dog, permitted to keep that dog, shall pay an annual registration fee as set out in Schedule 'B' attached hereto and which may be amended from time to time by resolution of Council; and
  - ii. An owner of a menacing dog shall maintain in force a policy of liability insurance providing third party liability coverage in a minimum amount of \$500,000.00; and
  - iii. The owner of a menacing dog shall provide a photocopy of the said liability insurance policy to the town office.
  - iv. At all times while a menacing dog is on the premises of its owner, the owner shall either keep such dog
    - 1. confined indoors under the effective control of a person over the age of sixteen (16) years, or
    - 2. confined in a securely enclosed and locked pen or other structure built to prevent the escape of the menacing dog and capable of preventing the entry of young children.
    - 3. Such pen or enclosure shall have secure sides 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 propensity for trying to escape from the pen or enclosure by digging under or jumping over the enclosure or pen, then the enclosure or pen shall be constructed so as to prevent escape.
  - v. When any menacing 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 a dog  
Example - "BEWARE OF DOG".

#### 12. BEEES, LIVESTOCK, POULTRY, EXOTIC AND WILD ANIMALS

- a. For the purpose of this section, the following definitions shall apply:
  - i. Livestock – means any domestic animal usually raised for sake and profit, including but not necessarily limited to:
    - 1. An animal as defined in Subsection 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 domestica*), 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, harbor, confine, herd, graze or allow to graze any bees, livestock or poultry within the limits of the town.
- c. Subsection 12(b) shall apply not to livestock and poultry brought into town for the duration of a special event at which the said livestock and poultry will be used for purposes of exhibition or performing at a special event.
- d. No person, partnership or corporation shall own or harbor on private property any animal or hybrid of any animal of the kind listed in Schedule 'C', attached hereto and forming a part of this bylaw, for sale, or exhibition, as a pet or for any other purpose prohibited by the town.
- e. No person, partnership or corporation whether operated separately or in connection with another business enterprise shall operate a pet shop that buys, sells, trades, exhibits or harbors any animal or hybrid of any animal of the kind listed in Schedule 'C' of this bylaw.

#### 13. GENERAL PENALTY

- a. Where any person has committed or is alleged to have committed a breach of any of the provisions of this bylaw, a ticket may be served on such person by the bylaw Enforcement Officer or Peace Officer.
- b. A person to whom a ticket is being issued pursuant to this section shall furnish the Bylaw Enforcement Officer or Peace 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 ‘C’ added to and forming a part of this bylaw.
- d. If the town received voluntary payment of the prescribed penalty within seven (7) days from the date of the ticket was issued, the person receiving the ticket shall not be liable for prosecution for the offence.
- 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 with the time allowed, following service of the ticket, provisions of this section no longer apply and the person shall be liable to prosecution for the offence.

14. 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 any other provision or part thereof with respect to this bylaw.

15. REPEAL

- a. Bylaw Number 11-2012 is hereby repealed.

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Mayor – Doug Barker

S E A L

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Administrator – Audrey Blohm

Read a Third time and adopted by Council this _____ day of _____, 2013  _____ Administrator Audrey Blohm
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SCHEDULE ‘A’  
Forming a Part of Bylaw 01-2013

Section	Offence	Voluntary Payment Within Seven (7) days	Payment After Seven (7) days
3 (d)	Failure To Register	\$50.00	\$100.00
4	Running At Large	\$100.00	\$150.00
5 (a)	Exceeding # of dogs	\$25.00 per animal	\$30.00 per animal
5 (b)	Exceeding # of cats	\$25.00 per animal	\$30.00 per animal
6 (a)	Dog and/or Cat Pound Fee	\$50.00 + \$10 per day	\$100.00 + \$10.00 per day
8	Failure to Remove Defecation	\$50.00	\$100.00
9 (a)	Nuisance Dogs	\$50.00	\$100.00
9 (b)	Nuisance Cats	\$25.00	\$50.00
10 (b)	Failure to comply with Veterinarian Instructions	\$100.00	\$200.00

SCHEDULE ‘B’  
Forming a Part of Bylaw 01-2013

Section	Offence <i>Penalties – Menacing Dog(s)</i>	Voluntary Payment Within Seven (7) days	Payment After Seven (7) days
11 (a) (i)	Failure to pay annual registration fee	\$500.00	\$1,000.00
11 (a) (iii)	Failure to maintain proof of liability insurance	\$500.00	\$1,000.00
11 (a) (iv)	Failure to confine in proper enclosure	\$500.00	\$1,000.00
11 (a) (v)	Failure to muzzle and harness or leash when off premises	\$500.00	\$1,000.00
12	Failure to prevent menacing dog from running at large	\$500.00	\$1,000.00

SCHEDULE ‘C’  
[Section 12]  
Forming a Part of Bylaw 01-2013

A list of animals, the keeping of which is <b>PROHIBITED</b> within the Town of Kyle
- All Arachnids – dangerous to humans (such as scorpions and tarantulas, except tarantulas of the genera Aphonopelma, Avicularia and Grammostola)
- All Bats
- All Canids, except the domestic dog
- All Crocodylians (such as alligators, crocodiles and caimans)
- All Edentates (such as anteaters, sloths and armadillos)
- All Elephants
- All Felids, except the domestic cat

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- All Hyaenas
- All Marsupials (such as Kangaroos and opossums)
- All Mustelids (such as Skunks, weasels, otters and badgers) except the domestic ferret
- All non-human Primates (such as gorillas and monkeys)
- All Perissodactylus Ungulates, except the domestic horse, mule and ass
- All Pinnipeds (such as Seals, Fur Seals and Walruses)
- All Procyonids (such as Raccoons, Coatis and Cacomistles)
- All raptors, diurnal and nocturnal (such as Eagles, Hawks and Owls)
- All Ratite birds (such as rheas and cassowaries) except ostriches and emus
- All Snakes (such as Pythonidae and Boidae)
- All Ursids (Bears)
- All venomous reptiles and amphibians
- All viverrids (such as mongooses, civets and genets)
<i>Examples of animals of a particular prohibited group are given in parentheses. They are examples only and shall not be construed as limited to the generality of the group.</i>