

TOWN OF WARMAN
BYLAW NO. 2004-13

A BYLAW TO LICENSE, REGULATE, CONTROL AND PROHIBIT
THE OWNERSHIP AND POSSESSION OF CERTAIN ANIMALS

The council of the Town of Warman in the Province of Saskatchewan enacts as follows:

PART I - GENERAL

1. SHORT TITLE

- a) This bylaw may be cited as "The Animal Control Bylaw".

2. DEFINITIONS

- a) "administrator" means the administrator for the Town of Warman, or any person authorized to act on his behalf;
- b) "animal control officer" means any person appointed by the council for the purposes of this bylaw to restrain, receive or impound dogs or cats;
- c) "license" means an exterior plastic or metal tag which shall be affixed to the collar of a dog or cat, includes a registered identification number contained in the town dog and cat license records and is issued for the lifetime of the dog or cat;
- d) "bees" means any of certain insects which store up the pollen of flowers for food or that make honey and wax;
- e) "bylaw enforcement officer" means any person appointed by the council to enforce the provisions of this bylaw;
- f) "cat" means either the male or female of the feline family, immediately after it is weaned;
- g) "certificate of license" is the receipt issued by the Town for payment of the prescribed license fee, which shall be prima facie evidence of the issuance of a license;
- h) "council" means the council of the Town of Warman;
- i) "disturbance" or "nuisance" includes loud and frequent vocalization, chasing motorized vehicles, bicycles or pedestrians, fighting with other animals, defecating or urinating on private property without the permission of the owner or occupant of the property, digging in flower beds, gardens or garbage containers and trespassing on private property which creates a disturbance to the annoyance or discomfort of other persons or the public;
- j) "dog" means either the male or female of the canine family, immediately after it is weaned;
- k) "fur bearing animal" means members of the mustelidae family which includes mink, weasel, skunk, and all members of this family, or members of the chinchilla laniger family which includes chinchillas and all other members of this family, or members of the leporidae family which includes rabbits, hares and all other members of this family, or all members of the canidae family, exclusive of the domestic dog;
- l) "livestock" means cattle, sheep, goats, horses or swine;
- m) "medical health officer" means a medical health officer appointed pursuant to *The Health Services Act* or *The Public Health Act*;
- n) "owner" means any person owning, possessing harbouring or having charge of or control over any dog or cat, or who suffers any dog or cat to remain about his residence or premises located within the Town;

- o) "person" means an individual, partnership, association or corporation;
- p) "pound keeper" means that person appointed by the council for the purpose of this bylaw to impound dogs and cats;
- q) "poultry" means chickens, ducks, geese, turkeys, pheasants, partridge, pigeons, grouse or pea-fowl;
- r) "running at large", in the case of a dog or cat, means being found beyond the boundaries of the property, which is either:
 - i) occupied by the owner of the dog or cat, or
 - ii) where the dog or cat may be with the permission of the owner or occupant of the said land;and when the dog or cat is not under control by being either:
 - A) securely fastened by a metal or leather or rope leash which is not more than one and one-half (1 1/2) meters in length and which is attached to the collar so that it cannot roam at will, or
 - B) securely confined within an enclosure.
- s) "town" means the Town of Warman in the Province of Saskatchewan.

3. SEVERABILITY

If any section, subsection, sentence, clause, phrase or other portion of this bylaw is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that provision shall be deemed a separate, distinct and independent provision and the holding of the court shall not affect the validity of the remaining portions of the bylaw.

4. NOTATIONS

Explanatory notes included in this bylaw are intended to assist in the interpretation of the provisions, but shall not derogate from any powers or duties created or imposed by the bylaw.

5. QUARANTINE OF SICK ANIMALS

Notwithstanding any other provision of this bylaw, where any dog or cat is suspected of having rabies or other life-threatening disease, it shall be isolated and may not be claimed, destroyed or otherwise disposed of except after notice to the medical health officer for the town and then only in compliance with the directions of the medical health officer.

6. LIABILITY

No liability whatsoever shall attach to the town, the Bylaw Enforcement Officer, Animal Control Officer, Pound Keeper, Veterinarian, Peace Officer or other person acting under this bylaw and in good faith, arising out of the capture, seizure, restraining, impounding, failure to contact the owner, sale or destruction of any dog or cat.

PART II - LICENSES

- 1. Every owner of a dog or cat within the Town shall forthwith obtain a license from the Town.
- 2. A dog which is used as a guide or "seeing-eye" dog by a blind person shall upon application be issued a license by the Town without payment of the prescribed license fee.
- 3. GENERAL LICENSE CONDITIONS
 - a) The license fee for a license shall be as set out in

Schedule "A" attached to and forming part of this bylaw.

- b) A receipt shall be issued by the Town for the license fee paid, which shall be the certificate of license.
- c) When applying for a license, the owner shall supply the Town with a description of the dog or cat, the name and address of the owner, and any other relevant information which may be required by the Town.
- d) Every owner of a dog or cat within the Town shall on demand by the Animal Control Officer, Bylaw Enforcement Officer, Pound Keeper or Peace Officer, show his certificate of license or other evidence that he has paid the license fee as provided for in this bylaw.
- e) Any person who operates a retail outlet in the business of breeding, boarding or selling dogs or cats, or who operates a kennel for dogs or cats, shall not be required to license and register each dog or cat provided however, he has obtained a business license from the Town and maintains proper documentation for the recording of dogs and cats raised, boarded and sold.
- f) A license issued is not transferable to any other dog or cat.
- g) A license fee paid pursuant to this bylaw shall not be refundable to the owner on disposal or demise of the dog or cat.

4. LICENSES

- a) Every owner of a dog or cat within the Town shall cause the dog or cat to be registered with and obtain a license from the Town. When purchasing the said license, the owner shall provide to the Town a physical description of the dog or cat, the breed and any other relevant information required with respect to the dog or cat for which the license is sought and shall provide the name, address and telephone number of the owner.
- b) The license shall be in effect for the lifetime of the dog or cat.
- c) Every person to whom a license has been issued under this bylaw shall cause his dog or cat to wear a collar to which the valid license tag issued by the Town pursuant to this bylaw shall be attached.
- d) If a license tag is lost or destroyed, an owner shall obtain a replacement tag from the Town, the fee for which shall be one-half of the license fee as set out in Schedule "A" of this bylaw.
- e) No person shall remove a license, or a collar to which a license is attached, from a dog or cat without the permission of the owner.

PART III - REGULATION OF ANIMALS

1. DOGS AND CATS

- a) No owner shall permit his dog or cat to cause a disturbance or be a nuisance.
- b) No owner shall allow his dog or cat to be running at large in the Town, and when a dog or cat is found to be running at large its owner shall be deemed to have failed or refused to comply with the requirements of this bylaw, and is guilty of an infraction thereof.
- c) No owner of a dog, cat or rabbit shall fail to immediately remove any defecation of the dog, cat or rabbit from private or public property.

- d) No owner of a dog, cat or rabbit shall fail to dispose of all defecation from the dog, cat or rabbit whether located on the owner's property or otherwise, in a sanitary manner so as to prevent odour and sanitation complaints.
- e) Every female dog or cat in heat shall be confined to a house or enclosure by the owner.
- f) No person shall release a dog or cat causing it to run at large.

2. OTHER ANIMALS

- a) No person shall keep, or cause to be kept, livestock, fur bearing animals, poultry or bees within the Town.
- b) Notwithstanding subsection (a), a person shall be permitted to keep one breeding pair of rabbits and any un-weaned offspring as pets.

PART IV - SEIZURE, IMPOUND AND DESTRUCTION OF ANIMALS

1. SEIZURE OF DOGS AND CATS

- a) When a Bylaw Enforcement Officer, Animal Control Officer, or Peace Officer observes or receives a complaint of a dog or cat causing a nuisance or creating a disturbance, they may:
 - i) seize and impound any dog or cat found causing a nuisance or creating a disturbance;
 - ii) issue a trap to the complainant upon execution by the complainant of the dog or cat trap permit agreement as set out in Appendix "1" of this bylaw and payment of the dog or cat trap rental fee as set out in Schedule "A" of this bylaw.
- b) When a trap is issued pursuant to this bylaw, the complainant shall:
 - i) abide by the terms of the dog or cat trap permit agreement;
 - ii) personally check the trap each hour while the trap is set;
 - iii) return the trap to the Town undamaged within three days of the issuance, unless extended by the Bylaw Enforcement Officer, Animal Control Officer or Peace Officer;
 - iv) in the event that a dog or cat is trapped, immediately release the dog or cat and trap into the custody of a Bylaw Enforcement Officer, Animal Control Officer or Peace Officer, who may seize and impound the dog or cat.
- a) Any dog or cat found running at large contrary to the provisions of this bylaw may be delivered by any person into the custody of a Bylaw Enforcement Officer, Animal Control Officer or Peace Officer.
- b) A Bylaw Enforcement Officer, Animal Control Officer or Peace Officer may seize and impound any dog or cat found running at large contrary to the provisions of this bylaw, whether or not such dog or cat is licensed.
- c) A Bylaw Enforcement Officer, Animal control Officer or Peace Officer may, in the seizure of dogs or cats found running at large:
 - i) pursue said dog or cat on to land surrounding any building;
 - ii) use lasso and snare ropes or nets to restrain said dog or cat;

iii) use a tranquilizer gun under the direction of a veterinarian to tranquilize said dog or cat.

2. IMPOUND OF DOGS AND CATS

- a) Any dog or cat seized under the provisions of this bylaw shall be confined in an animal pound maintained by the Pound Keeper.
- b) No person whether or not he is the owner of the dog or cat shall:
 - i) interfere with or attempt to obstruct a Bylaw Enforcement Officer, Animal Control Officer or Peace Officer who is attempting to seize or who has seized any dog or cat pursuant to this bylaw;
 - ii) remove or attempt to remove any dog or cat from any pound which has been seized and impounded pursuant to this bylaw.
- c) All dogs and cats seized pursuant to this bylaw shall be impounded at the animal pound for a period of three (3) days excluding the day of impounding. Saturdays, Sundays and statutory holidays shall not be included in the computation of the three (3) day period.
- d) Following seizure of a dog or cat, the owner may during the three day impound period, reclaim the dog or cat by making payment to the Administrator at the town office in advance of the release of the dog or cat, of the impound fee and the housing fee as set out in Schedule "A" of this bylaw.
- e) The Bylaw Enforcement Officer, Animal Control Officer or Peace Officer shall immediately advise the Administrator of any dog or cat seized under this bylaw, by completing the notice of animal seizure, as set out in Appendix "2" of this bylaw.
- f) Where a dog or cat which has a valid license has been impounded, the Bylaw Enforcement Officer, Animal Control Officer or Peace Officer as the case may be, shall make a reasonable effort to notify the owner at the address as shown on the license records.
- g) No unlicensed dog or cat which has been seized or impounded shall not be released to its owner or to any other person, until the impound fee and housing fee have been paid and a license has been purchased for it.
- h) Any owner who provides reasonable proof of ownership of a dog or cat which has been seized or impounded, and who pays the impound fee, housing fee and license fee, shall be entitled to redeem said dog or cat provided however, the dog or cat has not been destroyed, sold or otherwise disposed of pursuant to this bylaw.

3. DESTRUCTION OF DOGS AND CATS

- a) Where a dog or cat which has been seized and impounded is not claimed by the owner within three (3) days as set out in this bylaw, or where the owner has failed or refused to comply with the terms of this bylaw within the same period for the redemption of said dog or cat, the Bylaw Enforcement Officer may authorize the disposal of said dog or cat as set out in Appendix "3" of this bylaw.
- b) The disposal of unclaimed or unredeemed dogs and cats shall be by either the:
 - i) sale at an amount sufficient to cover the impound fee, housing fee and any other costs, or
 - ii) humane destruction by a competent person,

- b) A person to whom a notice of violation is being issued under this bylaw shall provide upon request by the issuer his name, address, date of birth and any other such information as may be relevant.

PART VI - REPEAL

1. Bylaw No. 2001-05 and Bylaw No. 2003-09 are repealed.

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SCHEDULE "A"

SCHEDULE OF FEES

License fee	\$25.00
Impound fee	\$20.00
Housing fee (for each day or part thereof kept at the pound)	\$10.00
Refundable dog or cat trap rental fee	\$20.00

SCHEDULE "B"

SCHEDULE OF PENALTIES

No dog or cat license	\$40.00
Dog or cat running at large	\$20.00
Dog or cat causing a disturbance or being a nuisance	\$50.00
Failure to remove defecation	\$200.00
Failure to dispose of defecation in a sanitary manner	\$200.00

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APPENDIX "1"

DOG OR CAT TRAP PERMIT

Date _____ Trap Number _____

The undersigned agrees to the following terms and conditions:

- to place the trap only on his property which is within the Town of Warman;
- to personally check the trap each hour while the trap is set;
- in the event a dog or cat is trapped, to notify the Town Office. In the event that the Town Office is closed, the dog or cat may be held for no longer than twenty-four (24) hours. Where a dog or cat is held, the undersigned is responsible for the humane treatment and shelter of the dog or cat, including feeding and watering. A captured dog or cat should be left in the trap and placed in a shed, garage, basement or other place that is warm, dry and secure with a blanket placed over the trap to pacify the animal. Do not attempt to remove an unfamiliar dog or cat from the trap. This will be done by the Animal Control Officer. If the undersigned cannot comply with this condition, the trapped dog or cat must be freed unharmed;
- to ensure that no harm comes to any trapped dog or cat while in their possession including exposure to inclement weather;
- dog or cat traps are not to be used when the temperature falls below -10 degrees celsius or rises above +30 degrees celsius;
- a Bylaw Enforcement Officer, Animal Control Officer or Peace Officer may enter the property of the undersigned to ensure the trap is being used properly;
- to advise the Town Office of the ownership, if known, of any dog or cat trapped;
- to be responsible for the trap, including the cost of repair or replacement if damaged, lost or stolen;
- traps must not be set on statutory holidays or weekends as the Town Office is closed;
- the trap is to be returned to the Town office three days after issuance, unless an extension has been granted.

* IT IS A CRIMINAL OFFENCE TO HARM ANY DOMESTIC ANIMAL *

Address of intended location of trap _____

Rental Fee _____ Receipt No. _____

I understand and accept all liability which may arise in connection with the use of this cat trap while it is in my possession and will save and indemnify the Town of Warman for all such liability.

Signature _____

Name of complainant _____

Address of complainant _____

TRAP RETURNED

Date _____

Received by _____

Remarks _____

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APPENDIX "2"

NOTICE OF ANIMAL SEIZURE

Date of seizure _____ Time _____

Location of seizure _____

Type of animal _____ Breed _____

Colour _____ Markings _____

Height _____ Gender _____

Other features _____

Owner name (if known) _____

License No. _____

Animal Control Officer

This form shall immediately be completed by the Animal Control Officer upon seizure of a cat or dog, and shall be forthwith delivered to the Town Office.

A copy of this form when completed shall be retained by the Town Office for a period of one year.

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APPENDIX "3"

AUTHORIZATION FOR DISPOSAL

Type of animal _____ Breed _____

Colour/markings _____

Height _____ Gender _____

Other features _____

I, _____, Bylaw Enforcement Officer claiming jurisdiction pursuant to the Animal Control Bylaw for the Town of Warman, hereby authorize the disposal of the above described animal which has been seized and impounded pursuant to the bylaw and which remains unclaimed or unredeemed. To my knowledge this animal has not bitten any person(s) in the past fourteen (14) days.

Day and date of impound _____

Day and date of disposal _____

Method of disposal:

1. Sale to:

Name _____

Address _____

Fees paid \$ _____ Receipt No. _____

or

2. Destruction by:

Name _____

Occupation _____

Method _____

or

3. Given by the person engaged by the Town to destroy the dog or cat to a suitable person other than the former owner.

Dated _____

Authorized signature