

TOWN OF DALMENY
BYLAW 2/08
A BYLAW TO LICENSE AND REGULATE CATS AND DOGS

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

TITLE

1. This Bylaw may be cited as The Cats and Dogs Control Bylaw.

PURPOSE:

2. The purpose of this Bylaw is as follows:

- a) to provide for the licensing of cats and dogs;
- b) to control and regulate cats and dogs;
- c) to provide for the impounding of cats and dogs that are at large.

DEFINITIONS

3. In this Bylaw:

- a) "Administrator" – means the Town Administrator of the Town of Dalmeny, or any person authorized to act on his/her behalf;
- b) "At Large" – means if the dog or cat is off the premises of its owner, unless the animal is both on a leash not exceeding two metres in length and is under proper control;
- c) "bylaw enforcement officer" means any person or persons appointed by the Council to enforce the provisions of this Bylaw;
- d) "cat" means either male, female or neutered over the age of four (4) months of the feline family;
- e) "Council" means the council of the Town of Dalmeny
- f) "dog" means either male, female or neutered over the aged of four (4) months of the canine family;
- g) "licence" means an exterior tag or label which shall be affixed to the collar of the dog or cat, and includes a registered identification number contained in the municipality's dog and cat licence records. A licence may be either annual or permanent.
- h) "municipality" means the Town of Dalmeny;
- i) "owner" means a person or body corporate owning, possessing, harboring 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;

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j) "Peace Officer" means any member of the Dalmeny Police Service or any person appointed as a bylaw enforcement officer under this Bylaw;

k) "person" shall include an individual and one or more persons of a partnership, association or corporation,

l) "Pound" means such premises and facilities as may be designated by the Council of the municipality for the purpose of safety lodging and securing animals seized pursuant to this Bylaw;

LICENSING

4.a) Every person within the Municipality who:

- i) owns, possesses, harbors or keeps a dog or dogs; or cat or cats; or
- ii) acquires one or more dogs or cats,

shall forthwith obtain a license for each dog or cat from the Administrator;

b) The annual license shall be in effect from the first (1st) day of January to the thirty-first (31st) day of December of a calendar year and shall be obtained forthwith. The permanent licence shall be in effect for the length of time in which the dog or cat resides in the municipality;

c) The license fee for each license is described in Schedule "A" which forms part of and is included in this Bylaw.

d) Any dog or cat license issued pursuant to the provisions of this bylaw by the municipality shall not be transferable to any other dog or cat.

e) If any dog or cat license number plate or tag is lost, destroyed or so defaced as to be illegible, the owner, possessor or harbinger of the dog or cat to which the license was issued shall forthwith apply to the Administrator for a replacement which shall be issued upon payment of a fee of Five Dollars (\$5).

5. Every person to whom a license has been issued under this Bylaw shall cause his/her dog or cat to wear a collar or harness to which shall be attached the license tag or number issued by the Town pursuant to this Bylaw.

6. When applying for a license under the provisions of the Bylaw, the applicant shall provide the Administrator with a concise description of the dog or cat, the name, address and telephone number of the owner, possessor, keeper or harbinger of said dog or cat and any other information relevant and pertaining thereto and the Administrator shall record all said information as required pertaining to all licenses issued pursuant to this Bylaw.

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7. A person residing in the municipality who owns, possesses, keeps or harbors a dog or cat and neglects or refuses to take out a license or neglects to cause the dog or cat to wear the license number, shall be subject to the penalties as outlined in Schedule "C" of the Bylaw.

NUISANCE – DOGS

8. If a dog defecates on any public or private property other than on the private property of the owner, possessor or harbinger of the said dog, the owner, possessor, keeper or harbinger of the dog shall cause such defecation to be removed immediately.

9. No person shall, being the owner, possessor, harbinger or keeper of a dog that has defecated within the boundaries of the municipality, neglect or refuse immediately remove or cause to be removed such defecation;

- a) from public property
- b) from private property upon complaint from the owner, tenant or other person designated to represent the interests of the owner or tenant of such private property

NUISANCE – CATS

10. The owner of a cat shall not permit their cat to do any of the following which constitute being a nuisance: to urinate or defecate or spray on, or otherwise damage or interfere with any property other than the property of the owner of the cat or to howl, hiss fight or otherwise make disruptive noises.

NUISANCE – GENERAL

11. No owner shall permit his/her dog or cat to cause a disturbance by barking or howling or to be a nuisance.

12. Upon receipt of a signed written complaint (~~as per Schedule "F"~~^{SF}) regarding nuisance of dogs and/or cats as referred to in Section 8-11 herein, a bylaw enforcement officer or peace officer shall investigate the complaint and may, at his discretion, issue one written warning to the owner of the animal in question.

PROHIBITED AREAS – DOGS

13. a) Subject to the provisions of subsections 10 (b) and 10 (c), Council may prohibit the presence of dogs in the areas within the municipality as outlined in Schedule "D" which is attached to an forms part of this Bylaw.

- b) Council may from time to time permit the presence of dogs in an area specifically designated for the purpose of shows, competitions for other such events.

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- c) Council shall cause to be erected and maintained at every area where the public has access to the entry of every playground and other areas prohibiting the presence of dogs, a sign appropriately identifying such prohibition.

14. A person who owns, keeps, harbors or possesses a dog found running at large, within an area where the presence of dogs is prohibited, shall be deemed to have permitted the said dog to run at large or be within an area where the presence of dogs is prohibited as indicated in Schedule "D" and shall be guilty of an infraction against this bylaw.

OBSTRUCTION

15. No person, whether or not being the owner, harborer, possessor or keeper of a dog or cat which is being or has been pursued or seized shall;

- a) interfere with or obstruct or attempt to obstruct a pound keeper, bylaw enforcement officer or peace officer who is attempting to seize or has seized any dog or cat in accordance with the provisions of this Bylaw;

- b) unlock, unlatch or otherwise open a cage door or vehicle door or such items designed for temporarily lodging dogs or cats in which dogs or cats seized under the provisions of this Bylaw have been placed, so as to allow or attempt to allow any dog or cat to escape therefrom;

- c) remove or attempt to remove any dog or cat from the possession of a pound keeper, bylaw enforcement officer or peace officer.

RUNNING AT LARGE – DOGS

16. The owner of a dog shall not permit his dog to ^{be} run at large.

17. When a dog is found to be ~~running~~ at large, its owner is deemed to have failed or refused to comply with the provisions of Sec. 15.

18. When 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 to the bylaw enforcement officer.

IMPOUNDING OF DOGS

19. A bylaw enforcement officer or peace officer may seize and impound any dog observed to be at large. A bylaw enforcement officer or peace officer may enter onto land surrounding any building in pursuit of any dog which has been observed to be at large.

20. Any impounded dog shall be kept in a pound designated by the Town of Dalmeny for three (3) clear days unless the owner, keeper, harbinger or possessor redeems the dog by paying to the Administrator the impoundment fee for each dog impounded and the sum per day of the pound

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fees depicted in Schedule "B" which is attached to and forms part of this Bylaw, for care and keep of the dog. In the event the dog is not licensed, the owner, keeper, harbinger or possessor shall also pay the sum required in accordance with the provisions of this Bylaw to currently license said dog.

QUARANTINE OF SICK ANIMALS

21. Notwithstanding any other provisions of this Blaw, 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 municipality and then only in compliance with the directions of the Medical Health Officer.

POUND FEES – DOGS

22. a) The Administrator may sell any dog which is not redeemed within three (3) clear days, provided that the purchaser thereof obtains a license if he/she is a resident of the municipality for the said dog.

b) The Administrator, or at his/her request, any other person, may destroy any dog which has not been redeemed within four (4) clear days or safely deliver the dog to the nearest animal shelter provided and operated by the Society for the Prevention of Cruelty to Animals.

c) Where an impounded animal is wearing a collar to which is attached a valid license, the bylaw enforcement officer or peace officer shall immediately send written notice to the owner at the address as shown in the records made when the license was purchased. No liability whatsoever shall be attached to the municipality, the bylaw enforcement officer or the peace officer by reason of the failure of the owner to receive such notice.

APPOINTMENT OF BYLAW ENFORCEMENT OFFICERS

23. Any person employed by the Town of Dalmeny as a bylaw enforcement officer shall be deemed appointed to be a bylaw enforcement officer pursuant to Section 373(1) of The Municipalities Act, 2006.

LIABILITY

24. No liability whatsoever shall attach to the municipality, bylaw enforcement 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.

GENERAL PENALTIES

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25. Every person who contravenes any provision of this Bylaw is guilty of an offense and liable on summary conviction to:

- a) In the case of an individual, to a fine of not more than \$2,000.00.
- b) In the case of a corporation, to a fine of not more than \$5,000.00.

26. Any person charged with an offence under this Bylaw shall be liable on summary conviction for the penalties provided, notwithstanding that the cat or dog in connection with which the offence was committed has been seized, impounded, sold, destroyed or otherwise disposed of.

VOLUNTARY PAYMENT TO AVOID PROSECUTION:

27. 1) Notwithstanding Sec. 21, a person who contravenes any provision of this bylaw, upon being served with a ticket as specified in Schedule E may voluntarily pay the prescribed penalty in Schedule C at the Dalmeny Town Office, 301 Railway Avenue, Dalmeny, Sask.

2) If the Town of Dalmeny receives voluntary payment of the prescribed penalty within the time limit specified on the ticket, the person receiving the ticket shall not be liable to prosecution for the alleged contravention.

3) Nothing in this section shall be construed to prevent any person from exercising the right to defend a charge for a contravention of this Bylaw.

4) A ticket as specified in Schedule E may be issued by a bylaw enforcement officer, a peace officer of the Town of Dalmeny, or a public health inspector.

5) A person to whom the ticket is being issued under this section shall, upon request by the person issuing the ticket, provide his or her name and address.

SEVERABILITY

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

29. Bylaw No. 15/97 is hereby repealed.



Mayor

Certified a true copy of Bylaw No. _____
adopted by the Council of the Town of Dalmeny
on the 28th day of January, 20 08

{Seal}

Administrator/Mayor

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SCHEDULE "A" (pursuant to Section 4)

DOG & CAT LICENSE FEES

Annual Licence	\$15.00
Permanent Licence	\$45.00

SCHEDULE "B" (pursuant to Section 18-19)

POUND FEES

Impoundment	\$ 50.00
For each day in captivity, including the day on which the animal was seized and the day on which the animal returned	\$ 15.00

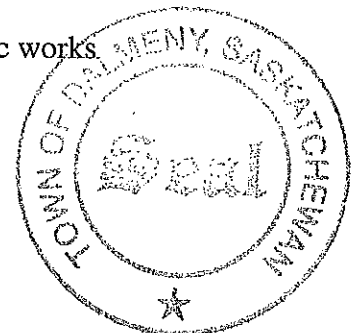
SCHEDULE "C" (pursuant to various section)

PENALTIES	1 ST	2 ND	3 RD & Subsequent Offences
REFERENCE			
Sec. 13 1. Running at large (dogs)	\$50	\$100	\$250
Sec. 2 2. Unlicensed animal	\$100	\$125	\$250
Sec. 3 3. Animal not wearing license	\$30	\$50	\$100
Sec. 6 4. Barking, howling, nuisance (dogs)	\$50	\$100	\$250
Sec. 8 5. Hissing, fighting, howling (cats)	\$50	\$100	\$250
Sec. 10 6. Animal in prohibited area	\$50	\$100	\$250
Sec. 6 7. Failure to remove defecation (dogs)	\$50	\$100	\$250

SCHEDULE "D" (pursuant to Section 12)

PROHIBITED AREAS (PUBLIC)

1. Prairie View School
 - weekdays between 9:00am & 3:00pm, during school hours.
 - at all times, at least 15m from playground equipment
2. Tooke Park
3. All municipal buildings, with the exception of the area of the public works Shop where dogs are housed.



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SCHEDULE "E"

NOTICE OF VIOLATION

NAME: _____

ADDRESS: _____

_____ POSTAL CODE _____

DETAILS OF OFFENCE:

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

LICENSE NO: _____ PROV: _____

VIOLATION:

DOG BYLAW NO: _____ SECTION NO. _____

DESCRIPTION OF VIOLATION: _____

LOCATION OF VIOLATION: _____

OWNER _____ POSSESSOR OR HARBORER OF DOG _____

YOU ARE CHARGED WITH A VIOLATION OF THE ABOVE NOTED BYLAW.

PENALTY FOR THE ABOVE VIOLATION \$ _____.

POLICE OFFICER OR SPECIAL
CONSTABLE

You may make voluntary payment of the above penalty at the municipal office of the Town of Dalmeny during regular office hours or by mail within seven (7) days from the date of service of the Notice of Violation. If you do not make such voluntary payment within the time set out above, you shall be liable to prosecution and, upon summary conviction, you shall be liable to the penalty provided under Section _____ of the said Bylaw.

