

TOWN OF NAICAM
BYLAW # 1/2013
A BYLAW TO PROVIDE FOR THE CONTROL AND LICENSING OF
DOGS AND CATS WITHIN THE TOWN OF NAICAM

THE COUNCIL FOR THE TOWN OF NAICAM IN THE PROVINCE OF
SASKATCHEWAN ENACTS AS FOLLOWS:

1 SHORT TITLE

- (a) This Bylaw may be cited as “The Animal Control Bylaw”.

2 PURPOSE

The purpose of this Bylaw is as follows:

- (a) To provide for the licensing of dogs and cats within the Town of Naicam;
- (b) To control and regulate dogs and cats within the Town of Naicam;
- (c) To provide for the impounding of dogs and cats that are at large within the Town of Naicam.
- (d) To assist in Locating owners of captured pets & injured pets
- (e) To assist in the Control of Animal Diseases
- (f) To assist in locating & identifying dangerous animals

3 DEFINITIONS

In this bylaw, unless the context otherwise requires, the following definitions shall apply:

- (a) “**At Large**” means:
- (i) 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 lands; and
- (ii) when the dog or cat is not under control by being:
- (1) on a leash or harness not exceeding three (3) metres in length, and in the immediate and continuous effective control of a competent person; or
- (2) securely confined within an enclosure; or
- (3) securely fastened so that it cannot roam at will.
- (b) “**Bylaw Enforcement Officer**” means any person(s) appointed or contracted by the Town of Naicam to enforce the provisions of this bylaw.
- (c) “**Cat**” means every cat and kitten of either sex or neutered over the age of three (3) months.
- (d) “**Council**” means the Council of the Town of Naicam.

- (e) "**Court**" means the Provincial Court of Saskatchewan established pursuant to *The Provincial Court Act*.
- (f) "**Dangerous Dog**" means:
 - (i) any dog that, without proven provocation, in a vicious or menacing manner, chases or approaches a person or domestic animal in an apparent attitude of attack; or
 - (ii) any dog with a known propensity, tendency, or disposition to attack without proven provocation, to cause injury or to otherwise threaten the safety of persons or domestic animals; or
 - (iii) any dog, that without proven provocation, has bitten, inflicted injury, assaulted, or otherwise attacked a person or domestic animal; or
 - (iv) any dog which is owned primarily or in part for the purpose of dog fighting or is trained for fighting.
- (g) "**Dog**" means every dog and puppy of either sex or neutered over the age of three (3) months.
- (h) "**Municipality**" or "**Town**" means the Town of Naicam.
- (i) "**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; and
 - (ii) the person responsible for the custody of a minor where the minor is the owner of the dog or cat.
- (j) "**Peace Officer**" means any member of the RCMP
- (k) "**Pound**" means such premises and facilities as may be designated by the Council of the Town of Naicam for the purpose of safely lodging and securing animals seized pursuant to this bylaw.
- (l) "**Pound Keeper**" means the Town of Naicam, or person designated by the Council of the Town of Naicam to maintain and administer the pound.
- (m) "**Restricted Dog**" means:
 - (i) Pit Bull, Staffordshire bull terrier, Doberman pinscher, Rottweiler, German Shepherd, or any dog of mixed breeding which includes any of the aforementioned breeds which can be identified through its physical characteristics by a veterinarian licensed to practice in Saskatchewan; or
 - (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 premises; or
 - (iii) any dog that has been declared a restricted dog.
- (n) "**SPCA**" means the Humboldt or Melfort Society for the Prevention of Cruelty to Animals.

4 REGISTERING AND LICENSING

- (a) Every owner of a dog or cat within the Town shall cause each such dog and cat to be registered and licensed with the Town Office within thirty (30) days of becoming owner of said dog or cat. At the time of registering, the applicant shall provide the Town Office with a

physical description of the dog/cat, including breed its breed and name, the address and telephone number of the owner, and any other relevant information as set out in the form designated as Form "A" and attached hereto.

- (b) Upon request of the Bylaw Enforcement Officer, the owner shall provide a veterinarian certificate stating the age of the animal to the Bylaw Enforcement Officer within seven (7) days of such request, Failure to produce said certificate will require immediate licensing of the animal regardless of age.
- (c) Any dog or cat adopted, claimed, or otherwise taken from the SPCA must obtain a license prior to that animal being released from the SPCA.
- (d) The registration year shall run from the first day of January to the thirty-first day of December of the same year.
- (e) Every owner of a dog or cat shall, no later than February first in each year, register all owned dogs and cats at the Town Office. Failure to do so shall constitute an offence under this bylaw.
- (f) In addition to the registration requirements laid down in Section 4 (a), (d), and (e), the owner of a dog or cat shall pay an annual license and registration fee as set out in Schedule "A" attached hereto.
- (g) Any registration certificate or applicable fee issued pursuant to the provisions of this bylaw shall not be transferrable.
- (h) The provisions of this section shall not apply to the following:
 - (i) dogs/cats kept, in the ordinary course of business, by the proprietors of a public pound, a veterinary hospital or clinic, a boarding kennel, or a grooming parlor;
 - (ii) any 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;
 - (iii) non-residents and those persons not owning any property in the Town and who are in the Town on a temporary basis for a period of up to two (2) months.
- (i) The owner of a dog/cat shall ensure said animal wears a collar to which a valid license tag is attached whenever the animal is off the premises of the owner.

5 LIMITS OF DOGS AND CATS

- (a) No person(s) within the Town shall harbour or keep more than three (3) dogs on any one property. If an 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 "B" attached hereto.
- (b) No person(s) within the Town shall harbour 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 shall be subject to the penalties as set out in Schedule "B" attached hereto.
- (c) This section shall not apply to those animals grandfathered in at the passing of Bylaw #2/97 and Bylaw #6/01.

6 RUNNING AT LARGE

- (a) No dog or cat shall run at large in the Town at any time whether it is licensed or not.

- (b) The owner of a dog or cat running at large shall be deemed guilty of an infraction of this bylaw and will be charged a penalty as set out in the attached Schedule “B”.
- (c) Any dog or cat found to be running at large four or more times shall be disposed of by the police, pound keeper, or other person appointed by Council.
- (d) Subsections 5 (b) and (c) shall not apply in the case of animals running at large as a result of person(s) other than the owner freeing an otherwise confined animal either intentionally or unintentionally.

7 INTERFERENCE

Any person who:

- (a) unties, loosens, or otherwise frees an animal which has been tied or otherwise restrained; or
- (b) negligently or willfully opens a gate, door, or other opening of a fence or enclosure in which an animal has been confined and thereby allows an animals to run at large in the Town; or
- (c) teases, entices, baits, or throws objects at a confined animal

is guilty of a offense under this bylaw and is subject to the penalties provided under Section 19 of this bylaw.

8 SEIZURE AND IMPOUNDING

- (a) The Bylaw Enforcement Officer/Town Employee or a Peace Officer may seize and impound any dog or cat observed to be at large.
- (b) The Bylaw Enforcement Officer /Town Employee 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 method authorized be resolution of Council, and impound any dog or cat running at large.
- (d) Any person may take any dog or cat found running at large to the Town pound.
- (e) Any person may be issued a cat trap upon execution of an agreement as set out in designated Form “B” attached hereto, and such person shall abide by the terms of the cat trap permit agreement.
- (f) When a collarless dog or cat has been impounded, the Town Office shall immediately post, in locations pursuant to the Public Notice Bylaw, a notice containing a description of the animal along with the terms for release.
- (g) 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/Town employee who is attempting to seize or has seized any dog or cat in accordance with the provisions of this bylaw;
 - (ii) unlock, 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 or Town employee.

9 POUND

- (a) Council shall endeavor to appoint a pound keeper.
- (b) All dogs and cats impounded 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 "C" of 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 the animal has been registered and licensed.
- (d) When a dog or cat has been impounded, the Town Office shall immediately attempt to contact the owner as shown in the registration and licensing records.
- (e) All impounded dogs and cats which are not claimed within 72 hours, may be sold by the Town Office to any person paying for such dog or cat, a sum to cover costs for the use of the Town pound and the registration and licensing as provided for by this bylaw. In the event that any dog or cat is not sold at the 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 pound keeper/ Town Employee to provide each dog and cat impounded under the authority of this bylaw an adequate supply of food and fresh water and proper shelter during confinement in the pound on a daily basis.

10 LITTER FROM DOGS AND CATS

- (a) If a dog or cat defecates on any public or private property other than the property of the owner of the said dog or cat, the owner 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 and subject to the penalties as set out in Schedule "B" attached hereto.
- (b) An owner or occupant of private property must not allow animal feces to accumulate on the property so as to interfere with the use and enjoyment of adjoining premises by those owners or occupants.
- (c) The Bylaw Enforcement Officer may serve an owner or occupant of private property with a notice to remove all animal feces from the property within seventy-two (72) hours from the service of the notice.
- (d) A notice under subsection 9 (c) may be served personally on the owner/occupant of the private property, or sent via registered mail addressed to the owner of the property at the mailing address shown on the last revised assessment roll of the Town. A notice served via registered mail is deemed to have been received on the fifth day following the date of its mailing.
- (e) The Town may remove the feces from the property if the person to whom the request is made fails to remove the feces within seventy-two (72) hours and has not made other

arrangements with the Town Office. The costs for said work to be done by the Town may be added to, and thereby form part of, the property taxes on which the work was done.

- (f) This section shall not apply to a person who owns and is physically reliant on a guide dog trained and used to assist such person.

11 NUISANCE

- (a) No person shall permit any animal (dog, cat, or any other type of animal) to be within ten (10) metres of any playground apparatus for public use for safety and health reasons.
- (b) Subsection 10(a) does not apply to a person who owns and is physically reliant on a guide dog trained and used to assist such person.
- (c) The owner, possessor, or harbourer of a dog shall not allow the animal to create a nuisance by barking, howling, attempting to bite or biting anyone or any domestic animal, or chasing vehicles or bicycles.
- (d) The owner, possessor, or harbourer of a cat shall not allow the animal to create a nuisance 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.
- (e) 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 written complaint to the Bylaw Enforcement Officer.
- (f) The owner, possessor, or harbourer of a dog or cat deemed to be in contravention of this section will be subject to the penalties as set out in Schedule "B" attached hereto.

12 DANGEROUS DOGS

- (a) No person shall keep, possess, or harbour a dangerous dog within the boundaries of the Town of Naicam.
- (b) Any complaint that a dog is dangerous shall be made to and heard by a judge in a court of law.

13 RESTRICTED DOGS

- (a) An owner shall obtain and keep in force a restricted license for his/her restricted dog.
- (b) The 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 for injuries and damages caused by the owner's restricted dog. The liability policy shall contain a provision requiring the insurer to immediately notify the Municipality in writing should the policy expire or be cancelled or terminated.
- (c) The owner shall provide a photocopy of the said liability insurance policy to the Town Office when applying for a restricted dog license.
- (d) 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.

- (e) 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.
- (f) 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.
- (g) The owner shall display a sign on his/her property warning of the presence of the dog. Example – “Beware of Dog”.

14 DOG AND CAT RUNS

- (a) Where a dog or cat is housed or enclosed in a run, the owner shall ensure that the run is kept in a sanitary condition protecting the health and safety of the dog or cat and any other being.
- (b) The owner shall ensure that a dog/cat run on the owner’s property is located no closer than three (3) metres to a property line and no closer than five (5) metres from a dwelling unit located on an adjacent property.
- (c) The owner shall ensure that a dog/cat run on the owner’s property is constructed of material of sufficient strength and in a manner adequate to:
 - (i) confine the dog or cat; and
 - (ii) prevent the entry of children of tender years.
- (d) If, in the opinion of the Bylaw Enforcement Officer, the condition or location of a dog/cat run is not in accordance with this bylaw, the Bylaw Enforcement Officer may order the owner of the property on which the dog/cat run is located to clean, alter, demolish, or relocate the run within the period specified in the order.
- (e) The person to whom an order is issued pursuant to subsection 13 (d) shall comply with the order within the time specified in the order.
- (f) An order to relocate a dog/cat run issued pursuant to subsection 13 (b) will allow the owner of the property on which the run is located at least thirty (30) days to relocate or remove the run.

15 STERILIZATION OF CATS

- (a) It shall be unlawful for any person to be or to become an owner of a cat that is actually or apparently over six (6) months of age unless the cat has been sterilized or unless the person holds a valid cat breeding permit for an unsterilized cat as provided in Form “C”.
- (b) If a cat, with or without identification, has not been sterilized, the person claiming ownership will be cited by the Bylaw Enforcement Officer for a violation of Section 13
- (c) The penalty for violating Section 17 shall be waived upon:
 - (i) Purchase of a cat breeding permit as provided in Form “C”; or

- (ii) Proof that the cat has been sterilized being furnished to the pound keeper within thirty (30) days after the date the citation was issued.

16 DOG/CAT BREEDING PERMIT

- (a) The pound keeper and/or the Town Office may prescribe the form required by any person who wishes to obtain a dog/cat breeding permit that will exempt that person from the provisions of section 15 during the life of the permit.
- (b) The pound keeper and/or the Town Office may, upon receiving an application completed in the form as set out in Form "C" attached hereto and the fees for a dog/cat breeding permit, issue a dog/cat breeding permit which will be valid for a period of two (2) years from the date of issuance.
- (c) The owner holding the dog/cat breeding permit shall be responsible for ensuring the dog or cat to which the permit relates is not permitted to cause a nuisance in the Town.
- (d) Every dog or cat in heat shall be housed and/or confined to a kennel/run.

17 ANIMAL ABANDONMENT

- (a) No person shall willfully fail to provide shelter or care to an animal in such a way so as to desert or abandon such animal for which that person is the owner.
- (b) No person shall abandon any animal on the property of the SPCA without formally surrendering to the SPCA such an animal for which he/she is the owner.
- (c) No person shall willfully fail to claim an animal that is being held at the SPCA for which he/she is the owner.

18 HUMANE DESTRUCTION OF SICK AND INJURED ANIMALS

- (a) A Bylaw Enforcement Officer, Peace Officer, or a veterinarian may take immediate action to humanely destroy any sick or injured animal found within the Town, where, in his/her opinion, immediate destruction of the animal is necessary to avoid unnecessary suffering by the animal.
- (b) Reasonable efforts shall be made to contact the owner of an animal before it is destroyed; however, no action lies against the Bylaw Enforcement Officer, Peace Officer, or veterinarian solely because the owner of the animal was not contacted.

19 GENERAL PENALTY

- (a) Every 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:
 - (i) in the case of an individual, to a fine of not more than \$2,000; and
 - (ii) in the case of a corporation, to a fine of not more than \$5,000.

- (b) If a person owes the Town for costs incurred by the Town with respect to an animal, the Town may add the amount owing to the tax roll of any parcel of land for which the person is the assessed owner.
- (c) If an amount is added to the tax roll pursuant to subsection 19 (b), the amount is deemed for all purposes to be a tax imposed pursuant to *The Municipalities Act*, and shall be collected in the same manner as other property taxes.

20 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 “letter”, attached hereto and forming a part of this bylaw, may be serviced on such person by the Bylaw Enforcement Officer.
- (b) Any 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) 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 “letter” of this bylaw.
- (d) If the Town receives voluntary payment of the prescribed penalty within thirty (30) days from the date 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 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.

21 SEVERABILITY

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.

22 REPEAL

Bylaws No. 2-97 and 6/01 are hereby repealed.

Mayor, Rodger Hayward

(SEAL)

Administrator, Lowell Prefontaine

Read a third time and adopted
this ____ day of _____, 2013.

Town of Naicam

Bylaw #1/2013

Schedule “A” – Annual License Fee

Category	Annual Fee
Restricted Dogs	\$50.00
Non-restricted Dogs, not spayed or neutered	\$40.00
Non-restricted Dogs, spayed or neutered including shots, Vet Certified	\$15.00
Cats, not spayed or neutered	\$30.00
Cats, spayed or neutered including shots, Vet Certified	\$15.00

Town of Naicam
Bylaw #1/2013
Schedule “B” – Penalties

PENALTIES – CATS & NON-RESTRICTED DOGS

Section	Offence	First Offence	Paid within 30days of notice	Subsequent Offences
4	Failure to register	\$250/animal	\$75/animal	\$350/animal
5	Exceeding limits on any one property (for each animal exceeding limits)	\$250/animal	\$75/animal	\$350/animal
6	Running at large	\$140/animal	\$40/animal	\$280/animal
10	Failure to remove defecation	\$75/animal	\$25/animal	\$150/animal
11	Nuisance cats & dogs	\$125/animal	\$25/animal	\$250/animal
15	Failure to sterilize cats	\$150/animal	\$25/animal	\$300/animal

PENALTIES – RESTRICTED DOGS

Section	Offence	First Offence	Subsequent Offences
4	Failure to obtain and keep in force registration fee	\$250/animal	\$500/animal
13	Failure to maintain a policy of liability insurance	\$250/animal	\$500/animal
13	Failure to confine in proper enclosure when on owner’s, possessor’s, or harbourer’s premises	\$250/animal	\$500/animal
13	Failure to muzzle and harness/leash when off premises of owner/possessor/harbourer	\$250/animal	\$500/animal
13	Failure to prevent from running at large	\$250/animal	\$500/animal
13	Failure to prevent a dangerous/restricted dog from attacking or injuring any person	any amount as determined by Council, not to exceed \$15,000.00	

Town of Naicam

Bylaw #1/2013

Schedule “C” – Impoundment Fees

Pound Fee	\$50.00
Care & Sustenance Fee	\$10.00 (plus GST) per day, or part thereof commencing at 12:00am on the day of impoundment

Town of Naicam

Bylaw #1/2013

Form "A" – Pet Registration Form

PET REGISTRATION FORM

Name of Owner:		
Mailing Address:		
Civic Address:		
Home Phone Number:	Work Phone Number:	Cell Phone Number:

	Dog #1	Dog #2	Dog #3	Cat #1	Cat #2	Cat #3
Pet Name						
Breed						
Physical Description						
Spayed/ Neutered	Yes / No	Yes / No	Yes / No	Yes / No	Yes / No	Yes / No
Proof of Vaccination	attach copy	attach copy	attach copy	attach copy	attach copy	attach copy
License Fee						
Tag # Issued						
Town Receipt Number						

For restricted dogs only:

Liability insurance policy of \$500,000 in place Yes / No (attach copy)

Registration Fee = \$50.00; Receipt Number: _____

Town of Naicam
Bylaw #1/2013
Form "B" – Cat Trap Permit

CAT TRAP PERMIT

Date: _____

Trap #: _____

The undersigned agrees to the following terms and conditions:

1. to place the cat trap only on his/her property which is within the Town of Naicam;
2. to personally check the cat trap each hour while the trap is set;
3. in the event a cat is trapped, to immediately phone the Bylaw Enforcement Officer or the Town Office at 306.874.2280. Where a cat is captured, the undersigned is responsible for the humane treatment and shelter of the cat, including feeding and watering. A captured cat should be left in the trap and placed in a shed, garage, basement, or other place that is warm and dry, and secured with a blanket placed over the trap to pacify the animal. Do not attempt to remove an unfamiliar cat from the trap – this will be done by the Town Personnel. If the undersigned cannot comply with this condition, the trapped cat must be freed unharmed;
4. to ensure that no harm comes to any trapped cat while in his/her possession, including exposure to inclement weather;
5. cat traps are not to be used when the temperature falls below -10C or rises above +30C;
6. any Enforcement Officer may enter the property of the undersigned to ensure the trap is being used properly;
7. to advise the animal control officer of the ownership of any cat trapped, if known;
8. to be responsible for the trap, including the cost or repair or replacement if damaged, lost or stolen;
9. the trap is to be returned to the Town Office within seven (7) days from the date of this permit.

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

Address of intended trap location: _____

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 Naicam for all such liability.

Signature: _____ Witness: _____

Name of Complainant: _____

Address of Complainant: _____

TRAP RETURNED:

Date: _____

Received By: _____

Remarks: _____

Town of Naicam

Bylaw #1/2013

Form "C" – Dog/Cat Breeding Permit

OWNER INFORMATION			
Name:			
	LAST	FIRST	MIDDLE
Civic Address:			
Mailing Address:			
	Box #	Town	Postal Code
Home Phone	Work Phone	Cell Phone	
ANIMAL INFORMATION			
Name of Cat/Dog:			Age:
Description of Animal:			
Tattoo Number:			Micro Chip Number:
	if applicable		if applicable
Permit is valid for two (2) years from date of issue.			
Date of Issue:			Permit Expires On:
\$100.00 Permit Fee Paid		Receipt # Issued:	
Signature of Issuing Officer			Date