

**BYLAW NO. 2019-01**

**THE ANIMAL CONTROL BYLAW,  
2019**

The Council of the Town of Allan enacts:

**TITLE**

- 1. This Bylaw may be cited as The Animal Control Bylaw, 2019

**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; and
  - (d.) to control and regulate exotic and wild animals.

**PART I**

**DEFINITIONS**

3. In this Bylaw:

- (a.) "Bylaw Enforcement Officer" means a person employed to enforce the provisions of this Bylaw;
- (b.) "at large" means if the animal 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.) "Town" means The Town of Allan;
- (d.) "Council" means the Council of The Town of Allan;
- (e.) "Court" means the Provincial Court of Saskatchewan established pursuant to The Provincial Court Act;
- (f.) "owner" includes:
  - (i.) a person who owns or who has possession of, or control over, an animal; and
  - (ii.) the person responsible for the custody of a minor where the minor is the owner of an animal; but does not include:
    - (iii.) a veterinarian registered pursuant to The Veterinarians Act, 1987 who is keeping or harbouring an animal for the prevention, diagnosis or treatment of a disease of or an injury to the animal; and
    - (iv.) an animal shelter or pound operated by the Town or the SPCA;
- (g.) "pound" means the premises designated by the Town as the Town impoundment facility;
- (h.) "Poundkeeper" means a person designated by the Town to administer the impoundment facility;
- (i.) "public playground" means the area containing playground equipment in any park or Municipal Reserve owned by the Town or under the management and control of the Town;
- (j.) "SPCA" means the Society for the Prevention of Cruelty to Animals.

**PART II  
LICENSING**

**CAT AND DOG LICENSES REQUIRED**

4. No person shall own or keep any cat or dog within the Town unless such cat or dog is licensed as provided in this Bylaw.
- (a.) No person shall possess or harbor more than four (4) dogs or four (4) cats or a combination of both, for a total of four (4) over the age of six months, except for dogs and cats kept in the ordinary course of business by the proprietors of the following premises:
- (i.) A veterinary hospital, clinic, or boarding kennel or grooming parlour;
  - (ii.) A public pound;
  - (iii.) a shop or breeder whose business includes the sale of pets
  - (iv.) a shelter operated by an association of society
- incorporated for the purpose of the protection and humane treatment of animals.

**LICENSING OF CATS AND DOGS**

5. Licensing
- (a.) Every owner of a cat or dog that is over four (4) months old shall within thirty (30) days of becoming the owner obtain a license for each cat or dog.
  - (b.) The license referred to in Subsection (a) shall not be transferable.
  - (c.) Every owner of a cat or dog shall, not later than the first day of February in each year, obtain an appropriate license for the dog from the administrator of the Town of Allan and failure to do so shall constitute an offense under this bylaw. No dog license issued by the Town of Allan in respect of a particular dog or cat shall be transferable to any other dog or cat. The animals are licensed on a calendar year basis, and all licenses expire December 31 of the year.
  - (d.) When applying for a license under this Section, the owner shall provide the following:
    - (i.) a description of the cat or dog, including breed, name, gender and age;
    - (ii.) Every applicant wishing to license a neutered dog or cat, shall produce to the town or appointed person at time of making application, a certificate of a Veterinary Surgeon, that indicates that such cat or dog has been neutered
    - (iii.) Every applicant wishing to license a dog or cat that has been vaccinated for rabies within the previous three years shall produce to the town or appointed person a certificate of a Veterinary Surgeon that such dog or cat has been vaccinated for rabies within the previous three years;
    - (iv.) the name, address and telephone number of the owner; and
    - (v.) any other relevant information which may be required.
  - (e.) The owner shall be supplied with a current license tag and a receipt for payment of the license fee when a license is issued. The license tag must be renewed each year. The owner will be issued a replacement license tag if the current license tag is lost or destroyed and the owner shall be responsible for the replacement costs.
  - (f.) The annual license fee for each cat or dog shall be as set out in Schedule No. 1.
6. License Tag
- (a.) The owner of a cat or dog shall ensure that the cat or dog wears a collar to which is attached a valid license tag whenever the cat or dog is off the premises of the owner.

**VALID LICENSE TAG ATTACHED**

(b.) This Section shall not apply while a cat or dog is participating in a recognized cat or dog show, obedience trial or field trial.

**EXEMPTIONS FROM LICENSING CATS AND DOGS**

- 7. The following are exempted from the licensing provisions in Section 5:
  - (a.) a store whose business includes the sale of pets and is licensed as such;
  - (b.) a research institution housing and using cats or dogs for research purposes.
- 8. A person who owns and physically relies on a guide dog trained and used to assist such person shall obtain a license for the dog and there shall be no fee payable by the owner for the license upon presentation of a valid service certification.

**PART III**

**REGULATION AND CONTROL OF CATS AND DOGS**

**CATS AND DOGS AT LARGE**

- 9. No person shall tease a dog or cat, entice a dog or cat, bait or throw objects at a dog or cat confined within its owner's property
- 10. Cats and Dogs at Large
  - (a.) No owner of a cat or dog shall permit the cat or dog to be at large, except as provided in Section 11.
  - (b.) If a dog or cat is found to be at large the owner shall be deemed to have permitted the cat or dog to be at large unless the owner proves to the satisfaction of the court that at the time of the offence the owner did all that was reasonable to prevent the cat or dog from being at large.

**EXEMPTIONS FROM BEING AT LARGE**

11. Notwithstanding Section 10, an owner may permit a dog to be at large in any of the off-leash areas described in Schedule No. 2.

**PROHIBITED AREAS**

12. Prohibited Areas

- (a.) The areas listed in Schedule No. 3 are designated as areas where cats and dogs are not permitted, whether or not the cat or dog is on a leash.
- (b.) No person shall permit a cat or dog to be:
  - (i.) in a prohibited area listed in Schedule No. 3;
  - (ii.) on any public playground;
  - (iii.) in any posted area except for a specific activity approved by the Town.
- (c.) 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.

**LITTER CLEANUP**

13. Litter Clean Up

- (a.) If a cat or dog defecates on any public or private property other than the property of its owner, the owner of the cat or dog shall remove the defecation immediately.
- (b.) 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, this does not include all other service animals.

**ACCUMULATION OF ANIMAL FECES**

14. Animal Feces

- (a.) An owner or occupant of private property must not allow animal feces to accumulate on the property so as to create a health hazard.

- (b.) An Bylaw Enforcement Officer may serve an owner or occupant of private property with a notice to remove all animal feces from the property within 72 hours of service of the notice.
- (c.) If a notice under Subsection (b.) is not served personally on an owner or occupant of private property, then a copy of the notice shall be sent by registered mail to the owner of the property at the mailing address shown on the last revised assessment roll of the Town.
- (d.) A notice served by 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:
  - (i.) the person to whom the request is made fails to remove the feces within 72 hours; or
  - (ii.) after reasonable inquiry, the whereabouts of the owner or occupant of the property cannot be determined.
- (f.) If the Town carries out the work under Subsection (e), the costs and expenses incurred are a debt due to the Town and the Town may recover the costs and expenses:
  - (i.) by action in a court of competent jurisdiction;
  - (ii.) in the same manner as municipal taxes; or
  - (iii.) by adding the costs and expenses to, and thereby they form part of, the taxes on the land on which the work was done.

### **BARKING OR HOWLING**

15. No owner of a cat or dog shall permit his/her animal to be or become a nuisance by barking or howling or emitting other sounds continuously for a period exceeding ten minutes.

### **TRAPPING OF ANIMALS**

#### **16. Trapping of Animals**

- (a.) A person who has been bothered by a cat being at large, may apply to the Town to receive a Cat Trap permit and a Cat Trap. Only traps approved and distributed by the Town may be used.
- (b.) The Pound keeper shall only approve a cat trap permit and issue a cat trap to a person making an application pursuant to subsection (1) when that person:
  - (i.) Agrees to all terms included in the cat trap permit
  - (ii.) Executes a cat trap permit
- (c.) Where the cat trap is issued, the permittee shall:
  - (i.) Abide by the terms of the cat trap permit;
  - (ii.) place the cat trap only on the permittee's property, located with the town;
  - (iii.) personally check the trap at least once each hour while the trap is set;
  - (iv.) when a cat is trapped, contact the pound keeper
  - (v.) only use the cat trap when the temperature is above 0 degrees Celsius and below 28 degrees Celsius.
  - (vi.) Return the cat trap to the Town office
  - (vii.) Pay for the cost of repair or replacement of the cat trap if the issued cat trap is damaged, lost or stolen
- (d.) When a cat has been trapped in a cat trap;
  - (i.) the permittee shall, for a long as and until a pound keeper can collect the cat or the cat can be conveyed to the animal shelter;
    - 1. Hold the cat for no longer than 24 hours
    - 2. treat the cat humanely;
    - 3. provide shelter for the cat in a warm dry and secure area;
    - 4. and provide water and food for the cat
  - (ii.) If a Permittee cannot comply with the conditions in subsection d(i), the permittee must release the trapped cat unharmed

- (iii.) When a cat has been trapped in a cat trap and the pound keeper can collect the cat, or the cat is conveyed to the animal shelter, the permittee shall provide the animal shelter with
1. The name of the owner of the cat if known; and
  2. the location of the cat trap when the cat was trapped.

**PART IV**

**IMPOUNDING OF CATS AND DOGS**

**IMPOUNDING OF CATS AND DOGS**

17. Impounding of Cats and Dogs

- (a.) A Bylaw Enforcement Officer, Poundkeeper or peace officer may seize and impound any cat or dog that is at large.
- (b.) A Bylaw Enforcement Officer, Poundkeeper, or peace officer may enter onto the land surrounding any building in pursuit of any cat or dog which is found at large.

**INTERFERENCE WITH ENFORCEMENT**

18. No person, including the person who is the owner of a cat or dog which is being impounded or has been impounded, shall interfere with a Poundkeeper, Bylaw Enforcement Officer, or peace officer who is impounding any cat or dog in accordance with the provisions of this Bylaw.

**IMPOUNDED CATS AND DOGS**

19. Impounded Cats and Dogs

- (a.) The Poundkeeper shall keep all impounded cats and dogs for a period of at least ninety-six (96) hours, excluding the day of impounding. Statutory holidays shall not be included in the computation of the ninety-six (96) hour period.
- (b.) During this period, the owner may reclaim the cat or dog from the pound upon payment to the Poundkeeper of the fees set out in Schedule No. 4.
- (c.) No unlicensed cat or dog which is impounded shall be released to its owner until a license has been purchased.
- (d.) If a cat or dog impounded is wearing a valid license tag, the Poundkeeper shall immediately notify the owner, by telephone or in writing, of the seizure of the cat or dog at the telephone number or address shown in the records. No liability whatsoever shall attach to the Town, the SPCA, or the Poundkeeper by reason of the failure of the owner to receive such notice.
- (e.) If a cat or dog is not reclaimed within the period set out in Subsection (a), or if the owner of a cat or dog fails or refuses to comply within this period with the conditions set out in Subsections (b) and (c), the Poundkeeper may sell, destroy or otherwise dispose of the cat or dog.

20. Costs

- (a.) The Town may pay any costs for which the owner of a dog is responsible pursuant to this bylaw and may add the amount to the tax roll of any assessed parcel of land of that owner;
- (b.) If an amount is added to the tax roll pursuant to section 16(a), the amount is deemed for all purposes to be a tax imposed pursuant to The Municipalities Act, from the date it was added to the tax roll and forms a lien against the parcel of land in favour of the Town.

**PART V**

**CONTROL AND REGULATION OF EXOTIC AND WILD ANIMALS**

**OWNING AND HARBOURING EXOTIC AND WILD ANIMALS**

21. Owning and Harboring Exotic and Wild Animals

- (a.) No person shall own or harbour any animal, or hybrid of any animal, of the kind listed in Schedule No. 5 for any purpose.
- (b.) No person, partnership or corporation, whether operated separately or in connection with another business enterprise, shall operate a pet store that buys, sells, trades, exhibits or harbours any animal or hybrid of any animal of the kind listed in Schedule No. 5.

**EXEMPTIONS TO OWNING AND HARBOURING EXOTIC AND WILD ANIMALS**

22. Section 21(a) does not apply to prohibit the harbouring of an animal or a hybrid of an animal of the kind listed in Schedule No. 5 in the following places or circumstances:
- (a.) in a veterinary clinic under the care of a licensed veterinarian;
  - (b.) by anyone holding a license under any statute of the Legislature of Saskatchewan or the Government of Canada, which permits the keeping of animals under stated conditions.

**PART VI**

**OFFENCES AND PENALTIES**

**GENERAL PENALTY**

23. General Penalty, except as otherwise provided in this bylaw
- (a.) Every person who contravenes any provision of this Bylaw guilty of an offence and liable on 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.) Any person convicted of an offence under Part V shall, within ten days thereafter, deliver all animals of the kind listed in Schedule No. 5 owned, kept or harboured by that person to the Poundkeeper and they shall become the property of the Town and shall be donated to an approved agency or humanely euthanized.
  - (c.) Any person who fails to deliver an animal as required by Subsection (b) is guilty of an offence and liable on summary conviction to the penalty contained in Subsection (a).

**VOLUNTARY PAYMENT TO AVOID PROSECUTION**

24. Voluntary Payment to Avoid Prosecution

- (a.) Notwithstanding Section 23, a person who contravenes Sections 4, 6, 9, 10, 12, 13, 14, 15 or 19 upon being served with a Notice of Violation as specified in Schedule No. 6 may voluntarily (pay the prescribed penalty in Schedule 7 or a reduced penalty of \$25.00 within ten (10) days of the issuance of the Notice of Violation to the Administrator of the Town of Allan provided it is the only offence within the previous 12 months. See Schedule 7 for further details.
- (b.) If the Town Administrator receives voluntary payment of the prescribed penalty within the time limit specified on the Notice of Violation, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
- (c.) 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.
- (d.) A Notice of Violation as specified in Schedule No. 6 may be issued by an Bylaw Enforcement Officer, a peace officer, the Poundkeeper or agents and employees of the Poundkeeper and the SPCA.
- (e.) A person to whom a Notice of Violation is being issued under this Section shall, upon request by the person issuing the Notice of Violation, provide their name, address and date of birth. Any person who fails to provide this information is guilty of an offence and liable on summary conviction to the penalty contained in Section 23.

**PART VIII  
MISCELLANEOUS**

**DESIGNATED POUNDKEEPER**

25. The Poundkeeper is the individual, or corporation, acknowledged by resolution of Council.

**APPOINTMENT OF BYLAW ENFORCEMENT OFFICERS**

26. Bylaw Enforcement Officers

- (a.) Any person or firm appointed by the Town of Allan, by resolution of Council shall be deemed and is appointed to be a bylaw enforcement officer
- (b.) A bylaw enforcement officer appointed under this Section may enforce this Bylaw within the Town and may perform any other duties that may be imposed by any other bylaw regarding the control, licensing and regulation of animals.

**REPEAL**

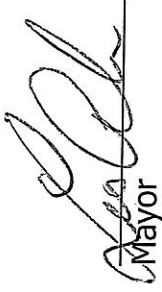
27. Bylaw 06/16 of The Town of Allan is hereby repealed.

**COMING INTO FORCE**

28. This Bylaw shall come into force and take effect upon final adoption and passing by Council.



(SEAL)

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Administrator

**CERTIFIED A TRUE COPY  
OF BYLAW # 2019-01  
ADOPTED BY RESOLUTION 89-19  
OF COUNCIL MAY 9, 2019**  
  
\_\_\_\_\_  
ADMINISTRATOR

**Schedule No. 1**

Dogs - \$60.00  
Cats - \$50.00

Neutered Dogs - \$15.00  
Neutered Cats - \$10.00

**Schedule No. 2**

Areas Where Dogs May Be At Large

- (a) North of Alpine Crescent on parcel R1
- (b) North of Aspon Avenue on Parcel H

**Schedule No. 3**

Prohibited Areas for Cats and Dogs

- (a) Lots 1-4, Block 9 (Swimming Pool area and adjacent playground)
- (b) Allan Centennial Park
- (c) Ball Diamonds & Golf Course (LSD 11)

**Schedule No. 4**

Impoundment Fees for Cats and Dogs

1. Pound fee \$ 150.00 (plus Goods and Services Tax)
2. Care and sustenance fee \$ 25.00 (plus Goods and Services Tax) per day or a portion thereof commencing at 12:00 a.m. on the day immediately following the day of impoundment.

**Schedule No. 5**

Being a list of animals the keeping of which is prohibited within the Town of Allan

- a) all Arachnids dangerous to humans (such as scorpions and tarantulas, except tarantulas of the genera Aphonopelma, Avicularia and Grammostola)
- b) all Artiodactylus Ungulates (goats, sheep, cattle, pigs and llamas)
- c) all Bats
- d) all Canids, except the domestic dog
- e) all Crocodilians (such as alligators, crocodiles and caimans)
- f) all Edentates (such as anteaters, sloths and armadillos)
- g) all Elephants
- h) all Felids, except the domestic cat
- i) all Hyenas
- j) all Marsupials (such as kangaroos and opossums)
- k) all Mustelids (such as skunks, weasels, otters and badgers) except the domestic ferret
- l) all non-human Primates (such as gorillas and monkeys)
- m) all Perissodactylus Ungulates, including equids such as the domestic horse, mule and ass
- n) all Pinnipeds (such as seals, fur seals and walruses)
- o) all Procyonids (such as raccoons, coatis and cacomistles)
- p) all Raptors, diurnal and nocturnal (such as eagles, hawks and owls)
- q) all Ratite Birds (such as ostriches, rheas, and cassowaries)
- r) all Galliformes (such as chickens, turkeys, grouse, quails and pheasants)
- s) all Anseriformes (such as ducks and geese)
- t) all Columbidae (such as pigeons and doves)
- u) all snakes of the families Pythonidae and Boidae
- v) all Ursids (bears);
- w) all venomous Reptiles and Amphibians
- x) all Viverrids (such as mongooses, civets and genetis);

Examples of animals of a particular prohibited group are given in parentheses. They are examples only and shall not be construed as limiting the generality of the group.





### Schedule 8

### Cat Trap Permit

Date: \_\_\_\_\_

Trap# \_\_\_\_\_

Address of intended location of Trap: \_\_\_\_\_

Deposit: \$ \_\_\_\_\_

I, the undersigned, agree to the following terms and conditions:

1. The cat trap will be placed only on my property within the Town of Allan;
2. I will personally check the cat trap at least once every hour while the trap is set;
3. When a cat is trapped, I will contact the poundkeeper immediately. If there is no poundkeeper as appointed by the town of Allan, the cat must be released within 24 hrs;
4. When a cat is trapped, I will treat the cat humanely; I will also provide shelter, food and water for the trapped cat. I will leave the cat in the trap and I will place the trap in a warm, dry and secure area (such as a shed, garage or basement) with a blanket placed over the trap to pacify the cat. If I cannot comply with these conditions, I will free the trapped cat unharmed;
5. I will not allow harm to come to any trapped cat while in my possession including exposure to inclement weather;
6. I will not use the cat trap when the temperature falls below 0C or rises above +28C
7. I give my permission to the pound keeper to enter onto my property to ensure the cat trap is being used properly;
8. I will advise the pound keeper of the name an address of the owner of the cat trapped, if known;
9. I will pay the cost to repair or replace the cat trap if the cat trap is damaged, lost or stolen while in my possession;
10. I will not set the trap on statutory holidays or days when the Animal Shelter is closed, and;
11. I will return the cat trap to the town office within 3 business days after the cat trap was issued.

It is a serious offence to harm any domestic animal

I understand and accept all liability that 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 Allan

Signature: \_\_\_\_\_

Name and Address of Permittee: \_\_\_\_\_