

TOWN OF GULL LAKE

BYLAW NO. 2-92

A BYLAW OF THE TOWN OF GULL LAKE TO PROVIDE FOR THE LICENSING, REGULATING, AND CONTROLLING OF ANIMALS IN THE TOWN OF GULL LAKE.

THE COUNCIL OF THE TOWN OF GULL LAKE, SASKATCHEWAN, IN COUNCIL ASSEMBLED ENACTS AS FOLLOWS:

1. This Bylaw may be referred to as the Animal Control Bylaw.

PART I - DEFINITIONS

2. In this Bylaw unless the context otherwise requires:

- (a) "animal" means a dog, cat, or any other animal;
- (b) "Animal Control Officer" means a Bylaw Enforcement Officer, peace officer or a person appointed as a dog catcher for the Town of Gull Lake;
- (c) "cat" means either the male or female of the feline family;
- (d) "cat run" means a permanent structure outside of a residential dwelling unit, used for the containment of a cat;
- (e) "Council" means the Council of the Town of Gull Lake;
- (f) "dog" means either male or female of the Canidae family;
- (g) "dog run" means a permanent structure outside of a residential dwelling unit, used for the containment of a dog;
- (h) "Medical Health Officer" means a Medical Health Officer appointed under the Health Services Act or Public Health Act;
- (i) "leash" means a chain or other material capable of restraining the dog on which it is being used;
- (j) "owner" includes:
 - (i) a person who keeps, possesses, harbours or has charge of or control over an animal;
 - (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;
- (k) "person" shall include an individual, partnership, association or corporation;
- (l) "pound" means such premises and facilities as may be designated by the Town, from time to time, as the Town pound;
- (m) "Poundkeeper" means a person, persons, or association designated by the Town from time to time to maintain and administer the pound;
- (n) "Town" means the municipal corporation of the Town of Gull Lake or the area contained within the boundary thereof as the context requires;

- (o) "vicious dog" means a dog, the owner of which has;
 - (i) paid a Bylaw Violation Tag, or
 - (ii) been convicted in provincial court,
- under subsections (a), (b), or (c) of section 5(1) of this bylaw.

PART II - DOG LICENSING

3. (1) The dog license year shall be from January 1 to December 31 of the same year.
- (2) Every owner of a dog six (6) months old or older shall, not later than the 31st day of January in each year, or within thirty (30) days of becoming an owner of a dog, obtain a license and shall pay therefore an annual fee as set out in Schedule "A" of this Bylaw, which license shall not be transferable to any other dog or other owner. The onus of proof as to the date when the owner actually became the owner of the dog in question shall be on the owner.
- (3) Notwithstanding subsection (2) the owner shall obtain a license for any dog less than six (6) months old found running at large.
- (4) No person shall give false information when applying for a dog license.
- (5) When issuing a license for a dog, the Town shall supply the applicant with a metal tag, the form of which and lettering or numerals inscribed or imprinted thereon as may be determined by the Town.
- (6) The owner of a dog shall ensure that his dog wears the current license purchased for that dog, when the dog is off the property of the owner.
- (7) Every owner of a dog within the Town shall, on demand of an Animal Control Officer show his license, receipt or other evidence that he has paid the license fee for the dog for the current year.
- (8) No person shall be entitled to a license rebate under this bylaw.
- (9) Where a license required pursuant to this section has been paid for by the tender of an uncertified cheque, the license is automatically revoked if the cheque is not accepted and cashed by the bank on which it is issued.

PART III - RESPONSIBILITY OF DOG OWNERS

4. (1) The owner of a dog shall ensure that such dog is not running at large.
- (2) In this section, an animal shall be "at large" if it is off the premises of its owner, unless the animal is both:
- (a) on a leash not exceeding two (2) metres in length; and,
 - (b) under the proper control of its owner.

Nuisance

5. (1) The owner of a dog shall ensure that such dog shall not:
- (a) bite a person or persons whether on the property of the owner or not;
 - (b) do any act to injure a person or persons whether on the property of the owner or not;
 - (c) chase or otherwise threaten a person or persons whether on the property of the owner or not, unless the person chased or threatened is a trespasser on the property of the owner;
 - (d) bite, bark at, or chase, animals, bicycles, automobiles, or other vehicles;
 - (e) bark, howl or otherwise disturb any person;
 - (f) cause damage to property or other animals;
 - (g) upset any waste receptacles or scatter the contents thereof either in or about a street, lane, or other public property or in or about premises not belonging to or in the possession of the owner of the dog;
 - (h) be left unattended in any motor vehicle unless the dog is restricted so as to prevent access to persons as long as such restraint provides for suitable ventilation.
- (2) Every female dog in heat shall be housed.
- (3) If a dog defecates on any public or private property other than the property of its owner, the owner shall remove such defecation immediately.
- (4) Any person owning a dog and occupying property in the Town of Gull Lake shall remove any and all dog defecation from the said property on a daily basis and shall dispose of the defecation in a sanitary manner.
- (5) Failure to cause the removal of defecation as required by subsection (3) and (4) of this section shall be breach of this bylaw.

Vicious Dogs

6. The owner of a Vicious Dog shall ensure that:
- (a) it does not bite, chase or attack a person or other animal whether on the property of the owner or not,
 - (b) when it is on the property of the owner it is confined in:
 - (i) an enclosed area or in a fenced yard on a chain capable of restraining the dog which enclosed area or fenced yard is marked with a sign indicating the presence of a Vicious Dog and prevents the escape of the Vicious Dog, or
 - (ii) a dwelling and under the control of a person over the age of sixteen (16) years, and
 - (c) when it is off the property of the owner it is securely:
 - (i) muzzled, and
 - (ii) harnessed or leashed in a manner that prevents it from biting, chasing or attacking a person or other animal.

Dangerous Dogs

7. (1) The following municipal officials are hereby designated for the purposes of section 135.8 of The Urban Municipality Act, 1984:
- ANIMAL CONTROL OFFICERS
 - TOWN MAINTENANCE EMPLOYEES
- (2) The following municipal official is hereby designated for the purpose of section 135.2(5)(f) of The Urban Municipality Act, 1984 as the person to be notified if an owner sells or otherwise disposes of a dangerous dog:
- THE ADMINISTRATOR OF THE TOWN OF GULL LAKE

PART IV - IMPOUNDMENT OF DOGS

8. An Animal Control Officer may capture and impound any dog found running at large.
9. An Animal Control Officer may enter onto the land surrounding any building in pursuit of any dog which has been observed to be at large.
10. For the purpose of impounding any dog found at large in the Town, a pound shall be established at such place as may be designated by resolution of Council as a pound.
11. The Town may from time to time appoint a Poundkeeper to carry out the provisions of this bylaw.
12. Every Poundkeeper shall receive and detain in the pound any dog found running at large and shall detain same until disposal of it in accordance with the provisions of this bylaw.
13. The Poundkeeper shall keep a record of all dogs impounded and of the time and manner of their disposal.
14. The Poundkeeper shall supply to each dog impounded under the authority of this bylaw sufficient food and water during its confinement in the pound, and to maintain clean and properly vented enclosures for impounded dogs.

Notifications

15. Where the dog impounded is wearing a collar to which is attached a license valid for the current year, the Poundkeeper shall, send notice in the form of Schedule "B" 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 Town, or the Poundkeeper by reason of the failure of the owner to receive such notice.

Release of Impounded Dogs

16. All dogs impounded in the dog pound shall be so confined for a period of seventy two (72) hours from the time of capture, excluding Saturdays, Sundays and Statutory holidays, during which time the owner, subject to section 18, shall have the right to repossess the said dog upon paying the Town the amount set forth in Schedule "C" to this bylaw.
17. No dog shall be released from the pound unless a license is obtained for such dog should a license be required under this bylaw.
18. The owner of any dog impounded, in order to have the same released from the pound, shall satisfy the Poundkeeper by reasonable evidence that he is the lawful owner or person entitled to the possession of said dog.

Disposal of Unclaimed Dogs

19. If an impounded dog is not claimed within seventy-two (72) hours from the time such dog is received at the pound, excluding Saturdays, Sundays and Statutory holidays, and the fees if any, paid as herein provided, said dog may be disposed of by the Poundkeeper without further notice in the following manner:
- (a) subject to section 17, disposal by adoption, where in the opinion of the Poundkeeper the dog is suitable for adoption;
 - (b) disposal by humane destruction where in the opinion of the Poundkeeper the dog is not suitable for adoption;
 - (c) disposal by humane destruction if the dog cannot be sold for adoption within a reasonable time, at the discretion of the Poundkeeper.

PART V - CATS

Impoundment of Cats

20. (1) In this section "nuisance" includes fighting with other cats, defecating or spraying on private property without the permission of the owner or occupant of the property, howling or hissing at night, digging in flower beds or waste receptacles and trespassing on private property.
- (2) Where an Animal Control Officer receives a complaint of a nuisance caused by a cat, the Animal Control Officer may:
- (a) seize and impound any cat found causing a nuisance;
 - (b) issue a trap to the complainant upon execution by the complainant of an agreement as set out in Schedule "E" to this bylaw.
- (3) Where a trap is issued pursuant to clause (2)(b) of section 20, the complainant shall:
- (a) abide by the terms of the Cat Trap Permit agreement;
 - (b) personally check the trap each hour while the trap is set;
 - (c) in the event a cat is trapped, immediately contact the Town Poundkeeper.
- (4) Where a cat is impounded, the Town Poundkeeper shall:
- (a) hold the cat for seventy two (72) hours unless the earlier claimed by the owner of the cat;
 - (b) attempt to notify the owner of the cat, if known, of the impoundment.
- (5) An owner of the cat which has been impounded may claim the cat by:
- (a) providing reasonable proof of ownership to the Town Poundkeeper; and
 - (b) paying an impoundment charge and a housing charge, as may be specified in Schedule "F" to this bylaw.
- (6) Where a cat is not claimed by the owner within seventy two (72) hours of impoundment, the Town Poundkeeper may dispose of the cat by:

(a) transfer to the Society for the Prevention of Cruelty to Animals for public adoption; or

(b) humane destruction.

Cat Runs

21. (1) Where cats are housed or kept in a cat run, the owner of the cats shall:
- (a) ensure that the cat run is located no closer than one (1) metre from any property line and no closer than five (5) metres from any neighbouring dwelling unit.
 - (b) daily cause all defecation to be removed from the cat run and disposed of in a sanitary manner;
- (2) The Medical Health Officer may order the owner of any cat housed or kept in a cat run and the owner or occupant of any property upon which a cat run is located to remedy any contravention of the duties or minimum requirements set out in this section within a period of time specified in the Order.
22. No owner of a cat shall fail to immediately remove any exposed defecation of the cat from private property, other than property owned or occupied by the owner, and dispose of the defecation in a sanitary manner.
23. No person shall own, keep, have in his possession or harbour more than two (2) cats over the age of three (3) months.

PART VI - MISCELLANEOUS

24. Any animal suspected of having rabies or other life-threatening disease shall be isolated and may not be claimed from the pound, destroyed or otherwise disposed of except after notice to the Medical Health Officer and then only in compliance with the direction of the Medical Health Officer.

Dog Runs

25. Where dogs are housed or kept in a dog run, the owner of the dogs shall ensure that the dog run is located no closer than one (1) metre from any property line and no closer than five (5) metres from any neighbouring dwelling unit.

Number of Dogs Permitted

26. No person shall possess or harbour more than two (2) dogs over the age of six (6) months.

Humane Destruction of Sick and Injured Animals

27. An Animal Control Officer or a Veterinarian may take immediate action to humanely destroy any sick or injured animal found within the Town where, in his opinion immediate destruction of the animal is necessary to avoid unnecessary suffering by the animal.
28. Reasonable efforts shall be made to contact the owner of an animal before it is destroyed pursuant to section 27, however no actions lies against the Animal Control Officer or Veterinarian solely because the owner of the animal was not contacted.

Obstruction

29. No person, whether or not he is the owner of a dog which is being or has been pursued or captured shall interfere with or attempt to obstruct an Animal Control Officer who is attempting to capture a dog which is subject to impoundment pursuant to the provisions of this bylaw.

Interference

30. No person shall:

- (a) untie, loosen or otherwise free an animal which has been tied or otherwise restrained; or
- (b) negligently or wilfully open a gate, door or other opening in a fence or enclosure in which an animal has been confined and thereby allow an animal to run at large in the Town;
- (c) tease, entice, bait or throw objects at a dog confined within its owner's property.

PART VII - PENALTIES

Voluntary Payment Tickets

31. (1) Where an Animal Control Officer believes that a person has contravened any provisions of this bylaw, he may serve upon such person a Bylaw Violation Tag, (Form A) as provided by this section either personally or by mailing or leaving same at his last known address and such service shall be adequate for the purpose of this bylaw.
- (2) A tag shall state the section of the bylaw which was contravened and that amount which is provided in Schedule "G" that will be accepted by the Town in lieu of prosecution.
- (3) Upon production of a tag issued pursuant to this section within fifteen (15) days from the issue thereof together with the payment to the Town the fee as provided in Schedule "G", the person to whom the tag was issued shall not be liable for prosecution for the contravention in respect of which the tag was issued.
- (4) Where any person contravenes the same provision of this bylaw two or more times within one twelve month period, the specified penalty payable in respect of the second or subsequent contravention is double the amount shown in Schedule "G" of this bylaw in respect of that provision.
- (5) Notwithstanding the provisions of this section, a person to whom a tag has been issued pursuant to this section may exercise his right to defend any charge of committing a contravention of any of the provisions of this bylaw.

Summary Conviction

32. (1) Any person who contravenes any provision of this bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than TWO THOUSAND DOLLARS (\$2,000.00) and in default of payment is liable to imprisonment for a term not exceeding six (6) months.
- (2) The levying and payment of any fine or the imprisonment for any period provided in this bylaw shall not relieve a person from the necessity of paying any fees, charges or costs for which he is liable under the provisions of this bylaw.
- (3) A Provincial Court Judge, in addition to the penalties provided in this section, may if he considers the offence sufficiently serious direct or order the owner of the dog to stop the animal from doing mischief or causing the disturbance or nuisance complained of, or to have the animal removed from the Town, or have the animal destroyed.

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


REPEAL OF FORMER BYLAWS


34. Bylaw Number 307-76 and Bylaw Number 365-82 are hereby repealed.

COMING INTO FORCE

35. This BYLAW shall come into force and have effect from and after the final reading hereof.


MAYOR


TOWN ADMINISTRATOR

CERTIFIED A TRUE COPY OF
BYLAW No. 2-92
ADOPTED BY COUNCIL OF
THE TOWN OF CULL LAKE
ON THE 11 DAY OF March
19 92

TOWN ADMINISTRATOR

SCHEDULE "A"
FORMING A PART OF BYLAW NO. 2-92

ANNUAL LICENSE FEE FOR DOGS

All Dogs 6 Months Old or Over.

1st Female or Male \$ 25.00

Discounts: (Deduct from above fee)

Spayed or Neutered \$ 10.00

Fee for each additional dog (male or female) \$ 30.00 (no discounts)

"Seeing Eye" or Guide Dog No Fee

Replacement License Tag \$ 2.00

Vicious Dog \$100.00 (no discounts)

SCHEDULE "B"
FORMING PART OF BYLAW NO. 2-92

IMPOUNDMENT NOTICE

Date _____

Name _____

Address _____

You are hereby notified that an animal bearing License No. _____ for
19 ____ registered under the above name and address, was impounded on
_____, A.D. 19__ pursuant to the provisions of Bylaw
No. 2-92 of the Town of Gull Lake, and that, unless the said animal is
claimed and all impoundment charges are paid, on or before _____,
19____, the said animal may be sold, destroyed or otherwise disposed of
pursuant to the said bylaw.

Administrator

SCHEDULE "C"
FORMING PART OF BYLAW NO. 2-92

CHARGES FOR THE RELEASE OF IMPOUNDED DOGS

- (a) First Offence:
\$ 55.00 plus \$6.00 per day or part thereof plus annual license fee if unlicensed.
- (b) Second and Subsequent Offences within one 12 month period:
\$80.00 plus \$6.00 per day or part thereof plus annual license fee if unlicensed.

SCHEDULE "E"
FORMING PART OF BYLAW NO. 2-92

CAT TRAP PERMIT

DATE: _____

TRAP #: _____

The undersigned agrees to the following terms and conditions:

- to place the cat trap only on his or her property which is within the Town of Gull Lake;
- to personally check the cat trap each hour while the trap is set;
- in the event a cat is trapped, to immediately contact the Town Poundkeeper at _____. In the event that the Town Pound is closed, the cat may be held until the Pound reopens, but in no event for longer than twenty-four (24) hours. Where a cat is held, the undersigned is responsible for the humane treatment and shelter of a 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, dry and secure with a blanket placed over the trap to pacify the animal. If the undersigned cannot comply with this condition, the trapped cat must be freed unharmed;
- to ensure that no harm comes to any trapped cat while in their possession including exposure to inclement weather;
- cat traps are not to be used when the temperature falls below - 10 degrees C or rises above +30 degrees C;
- any Animal Control Officer may enter the property of the undersigned to ensure the trap is being used properly;
- to advise the Poundkeeper of the ownership of any cat trapped, if known;
- to be responsible for the trap, including the cost or repair or replacement if damaged, lost or stolen;
- traps must not be set on weekends or statutory holidays as the Town Pound is closed;
- the trap is to be returned to the Town of Gull Lake Warehouse three days after issuance.

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

Address of intended location of trap: _____

Deposit: _____

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 Gull Lake for all such liability.

Signature: _____

Name of Complainant: _____

Address of Complainant: _____

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TRAP RETURNED:

Date: _____

Received by: _____

Remarks: _____

Deposit Returned: _____

(Signature of Complainant or Agent)

SCHEDULE "F"
FORMING PART OF BYLAW NO. 2-92

CHARGES FOR THE RELEASE OF IMPOUNDED CATS

<u>IMPOUNDMENT CHARGES:</u>	<u>AMOUNT</u>
1st Offence	\$20.00
2nd and Subsequent Offence within one 12 month period	\$40.00

HOUSING CHARGES:

Per day or part thereof	\$ 6.00
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SCHEDULE "G"

FORMING PART OF BYLAW NO. 2-92

AMOUNTS WHICH WILL BE ACCEPTED BY TOWN IN LIEU OF PROSECUTION

OFFENCE UNDER	OFFENCE	AMOUNT
Section 3(2)	Unlicensed Dog	\$ 35.00
(4)	False Information	\$100.00
(6)	Dog Not Wearing License	\$ 15.00
Section 4(1)	Dog At Large	\$ 50.00
Section 5(1)(a)	Biting a Person(s)	\$150.00
(b)	Injure a Person(s)	\$ 75.00
(c)	Chase a Person(s)	\$ 50.00
(e)	Barking, Howling or Disturbing	\$ 50.00
(f)	Cause Damage to Property	\$ 50.00
(g)	Upset Waste Receptacle	\$ 25.00
(h)	Dog Unattended in Motor Vehicle	\$ 30.00
5(2)	Fail to Keep Female Dog in Heat, Housed	\$ 30.00
(3)	Defecation-Property Other Than Owner	\$ 40.00
(4)	Defecation-Owner's Property Not Cleaned Daily	\$ 25.00
Section 6(a)	Vicious Dog Biting a Person(s)	\$200.00
(b)(i)	Vicious Dog Not Fenced	\$100.00
(ii)	Vicious Dog In Dwelling Not Under Control By Person Over 16 Years of Age	\$100.00
(c)(i)	Vicious Dog Not Muzzled	\$100.00
(ii)	Vicious Dog Not Harnessed	\$100.00
Section 23	Exceeding Maximum No. of Cats	\$ 25.00 Per Excess Cat
Section 26	Exceeding Maximum No. of Dogs	\$ 25.00 Per Excess Dog
Section 29	Obstruction	\$100.00
Section 30(a)	Untie or Free An Animal	\$ 75.00
(b)	Wilfully Open Gate or Door	\$ 75.00
(c)	Tease, Throw Things at Dog	\$ 25.00

Subsequent Offence committed within twelve (12) months of the first offence - DOUBLE THE ABOVE SCHEDULE.