BYLAW NO. 174-08
A BYLAW TO CONTROL AND LICENSE CATS AND DOGS

The Council of the Town of Kelvington enacts:

TITLE
1. This Bylaw may be cited as The Animal 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) “Bylaw Enforcement Officer” means a person appointed by the Town of Kelvington to enforce this bylaw;

(b) “Town” means The Town of Kelvington;

(c) “Council” means the Council of The Town of Kelvington;

(d) “Court” means the Provincial Court of Saskatchewan established pursuant to The Provincial Court Act;

(e) “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.

(f) “pound” means the premises designated by the Town as the impoundment facility.

(g) “Prohibited Dog” shall mean:

(i) Pit Bull Terrier; or

(ii) American Pit Bull Terrier; or

(iii) Pit Bull; or

(iv) any dog of mixed breeding, identified as a dog of a partial mix of any of the above indicated breeds or kinds.

LICENSING
4. (a) 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.

(b) Any person who contravenes Subsection (a) is guilty of an offence and liable to a fine of $250.00.

LICENSING OF CATS AND DOGS

5. (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) The license year shall run from January 1 of each year to December 31 of the same year. The owner shall renew the license prior to its expiration.

(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) a history of any rabies vaccinations for the animal and whether the animal has been spayed or neutered;

(iii) the name, address and telephone number of the owner; and

(iv) 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.

VALID LICENSE TAG ATTACHED

6. 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.

EXEMPTIONS FROM LICENSING CATS AND DOGS

7. 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.

REGULATION AND CONTROL OF CATS AND DOGS

8. (a) No owner of a cat or dog shall permit the cat or dog to be at large.

(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.

(c) No person shall own, possess or harbour a prohibited dog within the boundaries of the Town of Kelvington.

(b) Any person who contravenes Subsection (c) is guilty of an offence and liable to a fine of $500.00.

LITTER CLEANUP

9. (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.

ACCUMULATION OF ANIMAL FECES

10. (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) 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 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 seventy two (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

11. No owner of a cat or dog shall permit the cat or dog to bark or howl so as to create a nuisance.

IMPOUNDING OF CATS AND DOGS

12. (a) A dog or cat may be seized and impounded if the animal is at large.

(b) A Bylaw Enforcement Officer 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

13. 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 Bylaw Enforcement Officer or peace officer who is impounding any cat or dog in accordance with the provisions of this Bylaw.

14. It shall be an offence for any person to harass, threaten, use excessive profanity towards, or to disobey a Bylaw Enforcement Officer.

IMPOUNDED CATS AND DOGS

14. (a) The Pound shall keep all impounded cats and dogs for a period of at least seventy two (72) hours, excluding the day of impounding. Statutory holidays shall not be included in the computation of the seventy two (72) hour period.

(b) During this period, the owner may reclaim the cat or dog from the pound upon payment to the Town Office 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 Pound or Town 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, or the Pound 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 Pound may dispose of the cat or dog. The cat or dog may be euthanized if the Pound deems the cat or dog to be unsuitable for adoption.

VOLUNTARY PAYMENT TO AVOID PROSECUTION

15. (a) A person who contravenes this Bylaw upon being served with a Notice of Violation as specified in Schedule No. 3 may voluntarily pay the prescribed penalty in Schedule No. 4 at the Office of the Town, Kelvington Administration Building, 201 Main Street, Kelvington, Saskatchewan.

(b) If the Town 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. 3 may be issued by a peace officer, the Bylaw Enforcement Officer or the Pound.

(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 Schedule No. 4 clause (h).

REPEAL

16. Bylaw No. 162-05 a bylaw to control and license cats and dogs is repealed.

COMING INTO FORCE

17. This Bylaw shall come into force and take effect on April 1, 2008.

(SEAL)

_____
Mayor

_____
Administrator

Certified a true copy of bylaw number 174-08
adopted by resolution on the 3rd day of March,
2008

(S E A L)

_____
ADMINISTRATOR

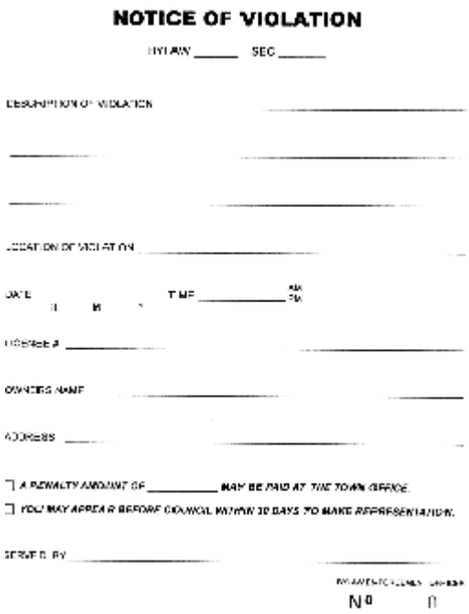
Schedule No. 1

Annual License Fees for Cats and Dogs
Cat or dog not spayed or neutered $30.00
Cat or dog spayed or neutered $15.00
Cat or dog less than 12 months old $15.00

Schedule No. 2

Impoundment Fees for Cats and Dogs
Pound fee $50.00
Care and sustenance fee $10.00 per day.

Schedule No. 3



NOTICE OF VIOLATION

BYLAW _____ SEC _____

DESCRIPTION OF VIOLATION _____

_____ _____

_____ _____

LOCATION OF VIOLATION _____

DATE _____ TIME _____ AM PM

LICENCE # _____ _____

OWNERS NAME _____ _____

ADDRESS _____ _____

☐ A PENALTY AMOUNT OF _____ MAY BE PAID AT THE TOWN OFFICE.

☐ YOU MAY APPEAR BEFORE COUNCIL WITHIN 30 DAYS TO MAKE REPRESENTATION.

SERVED BY _____ _____

WITNESSED BY _____ _____

NO ☐

Schedule No. 4

	Offence	Penalty (Fine)	1st Offence	2nd Offence	Subsequent
(a)	failure to license cat or dog.		$ 250 for each and every offence		
(b)	failure to attach valid license tag when a cat or dog is off the premises of the owner.		$ 30	$100	$125
(c)	cat or dog being at large.		$ 50	$100	$250
(e)	failure to immediately remove a dog or cat's excrement (defecation) from public or private property other than the property of the dog or cat's owner.		$ 50	$100	$250
(f)	allow animal feces to accumulate on private property.		$ 50	$100	$250
(g)	cat or dog creating a nuisance by barking or howling.		$ 50	$100	$250
(h)	interference, harassment, threats, excessive profanity disobedience towards a bylaw enforcement officer		$100.00 for each and every offence		