**Bylaw # 2023-13**

**A BYLAW OF THE TOWN OF ARCOLA IN THE PROVINCE OF SASATCHEWAN FOR THE PURPOSE OF LICENSING, PROHIBITING, REGULATING AND THE CONTROLLING OF ANIMALS.**

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

1. **SHORT TITLE**

This Bylaw shall be cited as “The Animal Control Bylaw”.

1. **PURPOSE**

The purpose of this Bylaw is to promote the safety, health and welfare of people and the protection of people and property in the Town of Arcola, and to ensure the humane treatment and control of animals.

1. **DEFINITIONS**

In this Bylaw:

1. “Animal” means any animal other than a human being.
2. “Animal Control Officers” means that person(s) appointed by the Council for the Town of Arcola for the purposes of this Bylaw.
3. “Animal in Distress” means an animal that is experiencing one of the following conditions:
4. Deprived of adequate food, water, care or shelter;

ii. Injured, sick, in pain or suffering; or

iii. abused or neglected

1. “Assist Dog” means a dog used to assist persons with disabilities or dogs used by the Royal Canadian Mounted Police.
2. “Cat Trap” means a device used for the humane capture of a cat.
3. “Dogs” or “Cats” include all species of the animals commonly known as dogs or cats, male or female, and of every breed or classification or mixture of breeds.
4. “Dog Run” means a structure designed and/or used for the keeping or containment of a dog.
5. “Judge” means a provincial court judge or a justice of the peace.
6. “Municipality” shall mean the Town of Arcola
7. “Nuisance” means an animal which is behaving in a manner that interferes with the personal comfort or amenities of a neighbourhood.
8. “Owner” means any persons, partnership, associations, or corporation owning, possessing, harboring, having charge of or control over any animal and includes a keeper of a dog or cat.
9. “Pound” shall mean premises and facilities as may be designated by Council, from time to time, as the pound.
10. “Pound Keeper” means a person, corporation, society or organization as may from time to time be appointed by the Council for the Town of Arcola for the purpose of retaining impounded dogs and cats pursuant to this Bylaw.
11. “Running at large” means:
12. Being on public property unaccompanied by any person; or
13. Being on public property accompanied but not under the “complete” control of a person by means of a leash suitable to the size and strength of the animal; or
14. Being on private property unaccompanied or accompanied by any person but no under the complete control of a person by means of a leash suitable to the size and strength of the animal where the property owner has not given permission to the owner of the animal.
15. “Vicious dog” means any dog, whatever its age, whether on public or private property which has without provocation:
16. Exhibited threatening behavior which creates a reasonable threat of physical injury which may include, but not limited to growling, lunging, snarling or chasing in a menacing fashion; and/or
17. Caused serios injury which means a physical injury to a person or another domestic animal that results in lacerations that may require sutures; and/or
18. Bitten a person or persons whether on the property of the owner or not; and/or
19. Done any act to injure a person or persons whether on the property of the owner or not; and/or
20. Chased or otherwise threatened 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 person; and/or
21. Caused death to a person and/or another animal.
22. **LICENSING OF DOGS AND CATS**
	1. No owner of any dog or cat shall be in possession of a dog or cat unless such dog or cat has been licensed. No dog or cat under the age of three months shall require a license.
	2. The license shall be a one-time fee good for the life of the dog or cat. In the event the license tag is lost, the owner must obtain another license tag at the prescribed fee.
	3. Registration of dogs and cats and payment of pet license fees shall be made at the administration office of the Town of Arcola.
	4. The license fee shall be in accordance to “Schedule A”.
	5. Upon payment of the license fee, the Town of Arcola will issue a tag that bears a serial number. The owner shall ensure that a collar and the tag issued are worn by the dog or cat when the animal is off the premises of the owner.
	6. No unauthorized person shall remove a collar or tag from a dog or cat.
23. **IMPOUNDING OF DOGS AND CATS**
	1. No owner shall permit any dog or cat to be running at large in the Town of Arcola.
	2. The Town Council is authorized to appoint an animal control officer or bylaw enforcement officer to restrain and impound any dog or cat found running at large in the Town of Arcola.
	3. When any dog or cat is captured, impounded or in violation by running at large, the Town of Arcola shall post a notice on the Notice Board at the Town Office and websites maintained by the Town of Arcola, giving a description of the said dog or cat. The Town of Arcola shall charge fines as prescribed in “Schedule D” before the release of the said dog or cat. On the third occurrence, the said dog or cat will be transported to a Humane Society with no notice.
	4. Pound Fees shall be all charges that the Pound Keeper may impose, as prescribed in “Schedule A”.
24. **DUTIES OF DOG AND CAT OWNERS**
	1. No owner or keeper of a dog shall permit their dog(s) on any school ground, playground or posted area except when the owner or keeper has the animal leashed and in complete control.
	2. No owner or keeper shall permit their animals to chase any pedestrian, vehicle or any other animal on a public thoroughfare.
	3. A female dog or cat in heat shall be confined and housed in the residence of the owner or person having control of the dog or cat or taken to a licensed kennel during the whole period that the dog or cat is in heat, except that a female dog or cat may be allowed outside the said residence for the sole purpose of permitting the dog or cat to defecate and urinate on the premises of the owner.
	4. A kennel owner shall not locate a dog run closer than two meters to a property line.
	5. If a dog or cat defecates on any public property other than the property of its owner, the owner or keeper shall cause such defecation to be removed immediately. Where the owner of a dog or cat fails to remove such defecation immediately, the owner shall be in violations of this bylaw.
	6. No owner or keeper shall permit his dog(s) or cat(s) to damage public or private property.
	7. Every owner of a dog or cat shall provide his or her dog(s) or cat(s) with a collar.
	8. No Owner shall use a choke chain on a dog or cat except when walking a dog or cat on a leash.
	9. No person shall keep an animal within the town tethered on a chain, rope or similar restraining device of less than three meters in length.
	10. Every person who has tethered an animal shall ensure the animal has unrestricted movement within the range of the tether.
	11. The owner of keeper of a dog or cat must ensure that their animal will not:
		1. Bite a person or persons whether on the property of the owner or not;
		2. Do any act to injure a person or persons whether on the property of the owner or not;
		3. 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;
		4. Cause damage to property;
		5. Cause death to people or other animals.
	12. Any owner whose dog or cat has bitten or attempted to bite a person in the Town of Arcola is guilty of an offence and liable on summary conviction to the penalties prescribed in this bylaw.
	13. Any owner whose dog or cat has bitten, killed or destroyed any other animal in the Town of Arcola is guilty of an offense and liable on summary conviction to the penalties prescribed in this bylaw.
	14. Notwithstanding Sections l) & m) of this bylaw, where any dog or cat is suspected of having rabies, such dog or cat shall not be killed but shall be secured and isolated for ten (10) days and the matter immediately reported to the Medical Health Officer for the Saskatchewan Health Authority whose instructions shall be carried out.
25. **DOG RUNS**
	1. Where a dog is housed or kept in a dog run, the owner shall ensure that the dog run is kept in a sanitary condition, to protect the health and safety of the animal.
	2. An owner shall ensure a dog run on the owner’s property is located no closer than two meters to a property line.
	3. An owner shall ensure that a dog run on the owner’s property is constructed of material of sufficient strength and in a manner adequate to confine the dog and prevent the entry of children under twelve years of age.
	4. If, in the opinion of a building official or police officer the condition or location of a dog run is not in accordance with this bylaw, the owner of the property on which the dog run is located may be ordered to clean, alter, demolish or relocate the dog run within a specified time period.
	5. The person to whom the order is issued pursuant to section 7d, shall comply with the order within the time specified in the order.
	6. An order to relocate a dog run issued pursuant to section 7d, will allow the owner of the property on which the dog run is located at least 30 days to relocate or remove the dog run.
26. **LIVE CAT TRAPS**
	1. A person bothered by a cat being at large may make an application with the Town of Arcola to receive a cat trap. Application for cat traps must be made by completing “Schedule B”, attached hereto and forming a part of this bylaw. Only traps approved and distributed by the Town may be used.
	2. Where a cat trap is issued, the permittee shall:
		1. Place the cat trap only on the permittee’s property;
		2. Personally check the trap at lease once each hour while the trap is set;
		3. When a cat is trapped, contact the Town Office;
		4. Not use the trap when the temperature is:
			1. 0°C or less; or
			2. 28°C or more
		5. Return the cat trap to the Town of Arcola within 72 hours of the cat trap being issued; and
		6. Pay for the cost of repair or replacement of the cat trap if the issued cat trap is damaged, lost or stolen.
	3. When a cat has been trapped in a cat trap, the permittee shall, for as long as and until the Town of Arcola can collect the cat or the cat can be conveyed to the pound:
		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; and
		4. Provide food and water for the cat.
	4. If a permittee cannot comply with the conditions in section 8b, the permittee must release the trapped cat unharmed.
27. **GENERAL**
	1. No person shall possess or harbor more than four dogs or four cats or a combination of both, for a total of four animals over the age of six months, except for dogs or cats kept in the ordinary course of business by the proprietors of the following premises:
		1. A veterinary hospital, clinic or boarding kennel or grooming parlor;
		2. A public pound;
		3. A shop or breeder whose business includes the sale of pets;
		4. A shelter operated by an association or society incorporated for the purpose of the protection and humane treatment of animals.
	2. No person shall tease, entice, bait or throw objects at a dog or cat confined within its owner’s property.
	3. The operation of any kennel within the Town of Arcola shall be subject to approval for the Medical Health Officer for the Saskatchewan Health Authority, and the kennel shall comply with the provisions of any Town of Arcola bylaws.
	4. In cases of emergency for any cause, but more particularly for infectious disease caused by dogs or cats, the Medical Health Officer is hereby authorized to order that no owner or other person shall suffer or permit his dog or cat to be on any place beyond or outside the boundary of the place of the dwelling of the owner or other person at any time, whether on a leash or under proper control, until such order is revoked or cancelled, and the Medical Health Officer may order compulsory inoculation of dogs or cats.
	5. No owner of a dog or cat shall permit his or her animal to be or become a nuisance by barking or howling or emitting other sounds continuously for a period exceeding ten (10) minutes.
	6. The Animal Control Officer, Bylaw Enforcement Officer or any authorized Town of Arcola representative may capture pests within the corporate limits of the Town of Arcola and impound, destroy or otherwise dispose of such pest according to the Animal Protection act of Saskatchewan.
	7. No person shall knowingly own, harbour, or leave an animal in distress.
	8. Any animal in distress within the Town of Arcola shall be subject to *The Animal Protection Act, 1999.*
	9. 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.
	10. If an amount is added to the tax roll pursuant to section i), 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 of Arcola from the date it was added to the tax roll.
28. **VICIOUS DOGS**
	1. The Town of Arcola may deem any dog vicious where it feels it is in the best interest of the public safety.
	2. Any owner of a vicious dog must ensure that:
		1. The dog does not bite, injure, chase or attack a person or another animal whether on the property of the owner or not;
		2. When it is on the property of the owner it is confined in:
			1. An enclosed area or in a fenced yard and indicating the presence of a vicious dog, or
			2. A dwelling and under the control of a person over the age of sixteen (16) years, and
		3. When it is off the property of the owner, it is securely:
			1. Muzzled, and
			2. Harnessed or leashed in a manner that prevents it from biting, chasing or attacking a person or another animal, and
			3. Harnessed or leashed in a manner that prevents it from causing death to a person or another animal.
	3. The Town of Arcola may order any dog removed from town limits for the benefit of public safety.
29. **OTHER ANIMALS**
	1. It shall be unlawful to keep poultry, livestock and/or bees within the boundaries of the Town of Arcola.
	2. Notwithstanding subsection 11 (a), and upon approval by Council, livestock may be allowed on Town of Arcola rodeo grounds, or another area of the Town of Arcola for events that do not exceed 72 hours in length such as:
		1. Rodeo or fair;
		2. Agricultural display such as 4H or similar organization;
		3. Petting zoo;
		4. Pony ride, horse display or camp;
		5. Parade; or
		6. Activity similar to those described in subclauses 1-5.
	3. Notwithstanding subsection 11 (a), and upon approval by Council, livestock may be allowed on agricultural assessed lands on the outskirts of Town Limits.
	4. No person shall own or harbor any animal, or hybrid of any animal, of the kind listed in “Schedule C” for any purpose.
	5. No person, partnership or corporation, whether operated separately or in the connection with another business, shall operate a pet store that buys, sells, trades, exhibits or harbors any animal or hybrid or any animal of the kind listed in “Schedule C”.
30. **VIOLATIONS**
	1. Where the administration or any authorized Town of Arcola representative believes that a person has contravened any provisions of this bylaw, he/she may serve upon such a person a Bylaw Violation Notice as provided by this section either personally or by mailing or leaving same at his/her last known address and such service shall be adequate for the purpose of this bylaw.
	2. Such notice shall be deemed to have been served:
		1. On the expiration of twenty-four hours after it is posted, or the notice is mailed;
		2. On the day of actual delivery, if the notice is served personally; or
		3. On the business day following the transmission, if given by facsimile.
	3. A Bylaw Violation Notice shall state the section of the bylaw, which was contravened, and the amount, which is provided in “Schedule D” that will be accepted by the Municipality in lieu of prosecution.
	4. Upon production of a Bylaw Violation Notice issued pursuant to this section within thirty (30) days from the issue thereof, together with the payment of the fee as provided in “Schedule D” to the Administration Office of the Town of Arcola, the person to whom the ticket was issued shall not be liable for persecution for the contravention in respect of which the ticket was issued.
	5. Where any person contravenes the same provision of this bylaw two or more times within one twelve-month period, specified payment payable in respect of the second or subsequent contravention is shown in “Schedule D” of this bylaw in respect of the provision.
	6. Notwithstanding the provisions of this section, a person to whom a Bylaw Violation Notice 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.
	7. Every person who contravenes any provision of this bylaw is guilty of an offence and liable on summary conviction to a fine of not more that $2,000 in the case of an individual or $5,000 in the case of a corporation.
	8. Every person who contravenes any provision of Section 10c) is guilty of an offense and liable on summary conviction:
		1. In the case of an individual, to a fine of not more than $2,000.00.
		2. In the case of a corporation, to a fine of not more than $5,000.00; and
		3. In the case of a continuing offence, to a maximum daily fine of not more than $500.00 per day.
31. **REPEAL OF FORMER BYLAWS**

That Bylaw 10-2007 & 12-2007, and all previous animal control bylaws be hereby repealed.

1. **COMING INTO FORCE**

This bylaw shall come into force and takes effect on January 1st, 2024.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

MAYOR

 SEAL

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ADMINISTRATOR

 First Reading: December 12th, 2023

 Second Reading: December 12th, 2023

 Third Reading: December 12th, 2023

**SCHEDULE A**

1. Licensing fee for Assist Dogs shall be NO CHARGE.
2. The licensing fee for all Dogs and Cats, other than Assist Dogs shall be a one-time fee of $25.00
3. The fees for impounding Dogs and Cats are all applicable pound fees due upon the release of the dog or cat, as well as any recovery costs directly associated with the keeping of said Dog or Cat.

**SCHEDULE B**

**CAT TRAP APPLICATION FORM**

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Trap #: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Civic address of intended location of Trap:

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

* The cat trap will be placed only on my property within the Town of Arcola.
* I will personally check the cat trap at least once every hour while the trap is set.
* When a cat is trapped, I will contact the Town Office immediately if it is during regular business hours.
* When a cat is trapped, I will treat it 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 animal unharmed.
* I will not allow harm to come to any trapped cat while in my possession including exposure to inclement weather.
* I will not use the cat trap when the temperature falls below 0°C or rises above 28°C.
* I give my permission to the Town of Arcola to enter onto my property to ensure the cat trap is being used properly.
* I will advise the Town of Arcola of the name and address of the owner of the trapped cat, if known.
* I will pay the cost to repair or replace the cat trap if it is damaged, lost or stolen while in my possession.
* I will not set the trap on statutory holidays or days when the Town Office is closed.
* I will return the cat trap to the Town of Arcola within 72 hours after the cat trap was issued.

It is a serious offence to harm any domestic animal.

I understand and accept all liability that my arise in connection with the use of this cat trap while it is in my possession and will save and indemnify the Town of Arcola for all such liability.

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

Name of Permittee: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(please print clearly)

**SCHEDULE C**

**ANIMALS PROHIBITED FROM BEING KEPT WITHIN THE TOWN OF ARCOLA**

* All arachnids dangerous to humans (such as scorpions and tarantulas, except tarantulas of the genera Aphonopelma, Avicularia and Grammostola)
* All bats
* All canids, except the domestic dog
* All crocodilians (such as alligators, crocodiles and caimans)
* All edentates (such as anteaters, sloths and armadillos)
* All elephants
* All even-toed ungulate (such as pigs)
* All felids, except the domestic cat
* All hyenas
* All marsupials (such as kangaroos and opossums)
* All mustelids (such as skunks, weasels, otters and badgers), except the domestic ferret
* All non-human primates (such as gorillas and monkeys)
* All pinnipeds (such as seals, fur seals, and walruses)
* All procyonids (such as raccoons, coatis, and cacomistles)
* All raptors, diurnal and nocturnal (such as eagles, hawks, and owls)
* All ratite birds (such as ostriches, rheas, and cassowaries)
* All snakes of the families Pythonidae and Boidae
* All ursids (bears)
* All venomous reptiles and amphibians
* All viverrids (such as mongooses, civets, and genets)

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 D**

**VOLUNTARY PAYMENT SCHEDULE**

|  |  |  |
| --- | --- | --- |
| **Offence Under:** | **Offense** | **Amount** |
| Section 4a | Unlicensed Animal | $100.00 |
| Section 4e | Removing License Tag | $50.00 |
| Section 5a | Running at Large | $100.00 |
| Section 6b | Chasing Other Animals or Vehicles | $100.00 |
| Section 6c | Failure to Keep Animal in Heat Housed | $100.00 |
| Section 6e | Failure to Remove Defecation | $100.00 |
| Section 6f | Damage to Public/Private Property | $100.00 |
| Section 6l | Dog or Cat has Bitten/Injured a Person | $200.00 |
| Section 7a | Unsanitary Dog Runs | $100.00 |
| Section 7d | Failure to Clean, alter, Demolish or Relocate Dog Run | $250.00 |
| Section 8b | Inhumane Treatment of Trapped Cats | $250.00 |
| Section 9b | Teasing of an Animal | $100.00 |
| Section 9e | Causing a Nuisance to Others | $100.00 |
| Section 9g | Animal in Distress | $250.00 |
| Section 11 | Other Animals | $100.00 |
| Other | Any other section of this bylaw | $50.00 |

**For any second offense by one animal owner in a twelve (12) consecutive month period:**

* 2 times the listed penalty

**For any third offence by one animal owner in a twelve (12) consecutive month period:**

* 3 times the listed penalty

**For any fourth** **& subsequent Offenses:**

* Maximum penalty at the discretion of Council