

## TOWN OF PREECEVILLE

### BYLAW NO. 1 - 2009

#### A BYLAW TO PROVIDE FOR THE LICENSING, PROHIBITING, REGULATING, AND CONTROLLING OF ANIMALS AND THE BEING AT LARGE OF ANIMALS WITHIN THE TOWN OF PREECEVILLE.

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

##### PART I – DEFINITIONS

1. This Bylaw may be referred to as “The Animal Control Bylaw”
2. In this Bylaw:
  - (a) “ANIMAL CONTROL OFFICER” shall mean and include any person appointed by the council of the Town of Preeceville for the enforcement of this bylaw, and shall include Bylaw Enforcement Officers, Pound Keepers and License Inspectors.
  - (b) “ANIMAL SHELTER” means any facility designated as such by the town and shall include Dog Pound.
  - (c) “CAT” means either the male or female of the feline family;
  - (d) “TOWN” means the Town of Preeceville.
  - (e) “COUNCIL” means the Council of the Town of Preeceville.
  - (f) “DOG” means and includes every dog of either sex; and shall include any female dog that has been spayed and male dog that has been emasculated.
  - (g) “LICENSE INSPECTOR” for the purpose of this Bylaw term “license Inspector” shall mean the employees of the Town of Preeceville, who will be responsible for the issuing of dog tags and/or licenses.
  - (h) “OWNER” Includes:
    - (i) Any person, partnership, association or corporation who keeps, possesses or harbors 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 harboring an animal for the prevention, diagnosis or treatment of a disease of or an injury to the animal;
    - (iv) An urban municipality or the Saskatchewan Society for the prevention of Cruelty to Animals in respect of an animal shelter or impoundment facility operated by it.
  - (i) “POULTRY” shall mean a chicken, turkey, duck, goose, pigeon, or other domestic fowl
  - (j) “LIVESTOCK” Shall mean cattle, horses, mules, asses, sheep, goats, or swine.
  - (k) “RUNNING AT LARGE” shall mean a dog or cat found upon any street, lane, sidewalk, or within any park, school ground, or other public place within the Town of Preeceville, unaccompanied by any person or accompanied but not under the complete control of a competent person, or being on private property without the permission of the owner or occupant of such property.

- (l) "DANGEROUS DOG" shall mean:
- (i) Any dog whatever its age with a known propensity, tendency or disposition to attack without provocation other domestic animals or humans; or
  - (ii) Any dog which has bitten or attacked another domestic animal or human, without provocation; or
  - (iii) Any dog which has been raised or trained for the purposes of fighting dogs or other animals.

## PART II – DOGS

3. (1) Every owner of a dog shall no later than January 31 in each year obtain a license for the said dog from the Animal Control Officer or Appointed Representative, and failure to do so shall constitute an offense under this bylaw. Such licenses shall not be transferable to any other dog
- (2) When applying for a license, the applicant shall provide the Animal Control Officer or appointed Representative with a description of the dog, the name and address of the owner or the keeper of the dog, the breed of the dog, a certificate from a veterinary surgeon if the dog has been neutered or spayed, and any other relevant information that may be required by the Animal Control Officer or Appointed Representative and set out in Schedule "D" to this Bylaw.
- (3) When applying for a license, the applicant shall provide the Animal Control Officer or appointed Representative with a certificate of a Veterinary Surgeon indicating that the dog has been vaccinated against rabies within two (2) years of the date of application.
- (4) A dog which is used as a guide or Seeing Eye dog by a hearing or visually impaired person shall be licensed.
- (5) The annual license fee for all dogs shall be:
- (a) for each female: \$10.00
  - (b) for each male or spayed female: \$5.00
4. (1) When issuing a license for a dog, the Animal Control Officer or Appointed Representative shall provide the applicant with a tag and a receipt for the license fee. The owner of such dog shall attach the tag to a collar to be worn around the neck of the said dog.
- (2) The said tags shall be of such form and bear such lettering as may be determined by the Town. Each tag shall be valid from the 1<sup>st</sup> day of January to the 31<sup>st</sup> day of December the year that the license is issued. The license will be half price if purchased after September 1<sup>st</sup> in any year.
5. No person other than the owner of the dog licensed pursuant to this Bylaw, shall remove its collar or tag.
6. Where a person becomes an owner of a dog after the 31<sup>st</sup> day of January in any year, he shall immediately thereafter cause such dog to be licensed pursuant to this Bylaw.
7. Every owner of a dog within the Town of Preeceville shall on demand of the Animal Control Officer or Peace Officer, show his license receipt or other evidence that he has paid the fee provided for the bylaw for the current year.
8. No owner of a dog shall permit his dog to be running at large at any time in the Town of Preeceville. Failure to comply with this Section shall constitute an offence under this bylaw.
9. The Animal Control Officer or Peace Officer may seize and impound any dog found running at large and may enter onto the land surrounding any building in pursuit of any dog which has been observed running at large.

10. (1) If a dog or other animal defecates on any public or private property within the Town of Preeceville other than the property of its owner, the owner of the animal shall cause the defecation be removed immediately.  
  
(2) Failure to cause the removal of defecation as required by Subsection (1) of this section shall be a breach of this bylaw.
11. Any person teasing a dog, enticing a dog, or baiting or throwing objects at a dog confined within its owner's property, shall be in violation of this bylaw.
12. (1) All dogs impounded in the Animal Shelter shall be so confined therein for a period of 72 hours from the time of capture during which time the owner hereof shall have the right of repossess the said dog upon paying the Animal Control Officer or Appointed Representative, the amount set fourth in Schedule "B" to this Bylaw.  
  
(2) No unlicensed dog which is impounded shall be released to its owner or to any other person until the appropriate pound fee is paid and a license has been purchased for it.
13. When a dog impounded is wearing a collar to which is attached a license tag valid for the current year, the Animal Control Officer or appointed representative shall immediately give telephone or written notice to the owner of the dog as shown in the records made when the license was purchased at the address shown therein, that unless the said dog is claimed and the fees as provided by the bylaw are paid within 72 hours from the date of the Notice, the said dog shall be dealt with pursuant to the provisions of this bylaw and no liability whatsoever shall attach to the Town of Preeceville or Animal Control Officer or appointed representative by reason of the failure of the owner to receive such notice.
14. All impounded dogs which are not claimed within 72 hours aforesaid, may be sold by the Animal Control Officer or any other person authorized by the Council on their behalf to any person paying for such dog and procuring a license for such dog as for by this bylaw. In the event any dog is not claimed within the expiration of the said 72 hours and is not sold, it shall be disposed of in the most humane way possible and no liability whatsoever, shall attach to the town, Animal Control Officer, or the appointed representative.
15. The animal control officer shall keep a record of all dogs impounded in accordance with the provisions of the bylaw and the disposal of such dogs and supply the town with a monthly report and any other information which may, from time to time be required respecting the enforcement of the provisions of this bylaw and the maintenance of the animal shelter.
16. It shall be the duty of the Animal Control Officer to provide to each dog impounded under the authority of this Bylaw, an adequate supply of food and fresh water during its confinement in the Animal Shelter and to maintain clean and properly ventilated pens or enclosures for impounded dogs.
17. When the owner of a dog, impounded for failure to have a tag and for no other reason, has applied to obtain the said dog out of the pound before it has been sold or disposed of as provided for in this bylaw, no fee shall be charged if the owner satisfies the Animal Control Officer that the collar and tag for the current year has been lost or stolen and that he had notified the Animal Control Officer within 24 hours after the discovery of the loss.
18. No person shall keep or possess or harbour a dangerous dog within the boundaries of the Town.
19. No owner of a dog shall permit his dog to be or become a nuisance by barking or howling to the annoyance or discomfort of any person at any time of the day or night. Any such dog which is or has become a nuisance by barking or howling, chasing

bicycles or motor vehicles, shall not be harbored by any person within the town limits. Failure to comply with this Section shall constitute an offence under this bylaw. Notwithstanding Section 33 herein, a Provincial Court Judge, on an ex-parte application, may also:

- (1) Direct the Animal Control Officer to give notice to such owner requiring the nuisance complained of to be abated so as to prevent the recurrence of any nuisance, or
  - (2) If such nuisance continues, order said dog to be destroyed upon eight (8) days notice being given to the owner, unless the owner otherwise agrees.
20. Every owner of a female dog in heat shall keep the dog housed at all times during the whole period that the dog shall be in heat
21. Any dog suspected of having rabies shall not, if possible, be killed but shall be secured and isolated for 7 days and the matter immediately reported to the Health Officer for the Town of Preeceville whose instructions shall be complied with.
22. No owner of dog shall permit a dog to bite, attack, attempt to bite or attempt to attack any person or other animal and no owner of a dog shall permit a dog to act in an aggressive threatening manner towards any person or other animal. Failure to comply with this Section shall constitute an offence under this bylaw.
23. If, upon information or complaint, it is alleged that a dog has bitten, attacked, attempted to bite, attempted to attack or acted in an aggressive threatening manner towards any person or other animal, without provocation, the Provincial Court Judge having cognizance of such complaint shall, upon proof of the complaint and in addition to any penalty imposed as set out in Section 33 herein:
- (1) Direct that the dog be kept by the owner or keeper under proper control;
  - (2) Declare the dog a Dangerous Dog and as such must be removed from the boundaries of the Town; and
  - (3) If such nuisance continues, order said dog to be destroyed upon eight (8) days notice being given to the owner, unless the owner otherwise agrees.

### PART III – CATS

24. A license shall not be required to harbor or keep a cat or cats in the town.
25. The Town shall provide a registration program for identification of cats.
26. 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 “A” to this Bylaw
27. Where a trap is issued pursuant to clause 26(b), 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 deliver it to the pound.
28. Notwithstanding subsections (26) and (27), any person 18 years of age or more may restrain any cat found running at large in the Town of Preeceville and shall deliver the cat to the Pound keeper. The person shall leave with the Pound keeper a statement in writing including the name of the owner of the cat, if known, and the place and time of restraint.
29. The Pound keeper shall receive and detain in a Pound any cat found running at large pursuant to subsection 27 and shall detain the cat until the Pound keeper disposes of it in accordance with this Bylaw.

30. Where a Cat is impounded, the Pound Keeper shall:

- (a) hold the cat for three days, unless earlier claimed by the owner of the cat;
- (b) attempt to notify the owner of the cat, if known, of the impoundment, however, no liability whatsoever shall attach to the Town, the Animal Control Officer or the Pound Keeper by reason of failure in contacting the owner.

31. An owner of a cat which has been impounded may claim the cat by:

- (a) providing reasonable proof of ownership to the Town Pound Keeper; and
- (b) paying the impoundment charge as set forth in Schedule "B" or this.

32. Where a cat is not claimed by the owner within three business days of impoundment, the Town Pound Keeper may dispose of the cat by public adoption or by human destruction.

33. Notwithstanding the above any cat suspected of having rabies or other life threatening disease shall be isolated and may not be claimed, destroyed or otherwise disposed of except after notice to the Medical Health Officer of the Town of Preeceville and then only compliance with the direction of the Medical Health Officer.

34. No owner of a cat shall fail on request, to immediately remove any 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.

#### PART IV – LIMITATION

35. That a maximum number of mature cats and dogs (four months or older), be limited to a total of four animals per household.

#### PART V - PENALTIES

36. A person who contravenes a provision of this bylaw or neglects or refuses to comply therewith, shall be guilty of an offence, and shall be liable upon conviction to a fine of not less than \$200.00 or more than \$500.00 and costs, and in default of payment the person convicted may be imprisoned for a term of not more than 90 days unless the fine or penalty or the fine and license fee are paid sooner. However, where the owner or keeper of a dog or dogs is found guilty of any offence of this bylaw in excess of three times in one calendar year, then the minimum fine shall be \$300.00

37. (a) Notwithstanding Section 23, where an Animal Control Officer or Peace Officer believes that a person has contravened the provisions of any Section of this bylaw, he may by personal service, serve or cause to be served upon such a person a Notice of Violation as provided in this Section.

(b) A violator of any section of this bylaw, upon being served with a Notice of Violation may voluntarily pay the prescribed penalty in Schedule "B" to this Bylaw at the Town Office, Preeceville, Saskatchewan.

(c) Where the Town Administrator receives voluntary payment of the prescribed amount within the prescribed time, the person receiving the notice of violation shall not be liable to prosecution for the alleged contravention.

(d) Nothing in this section shall be construed to prevent any person from exercising his right to defend a charge of contravention of this bylaw.

(e) The notice of violation shall be in a form similar to that provided in schedule "C" of this bylaw and shall indicate thereon the amount of penalty to be paid pursuant to Section 37 (b) of this Bylaw.

(f) If payment is not received as provided in subsection (c) hereof within the time prescribed, a summons shall be issued to the person alleged to have committed the offence, and thereafter, the provisions of this section shall not apply with respect to that offence.

(g) A person to whom a Notice of Violation is being issued pursuant to this section shall furnish any Animal Control Officer or Peace officer upon request, with his name and address.

38. The council may, by resolution, enter into an agreement with any person or organization for the purpose of participation in the enforcement of this Bylaw or for the purpose of providing pound keeping services.

39. It shall be unlawful to keep live poultry, livestock, and/or bees within the boundaries of the Town of Preeceville, except:

(1) on the premises of a recognized industry in the business of handling livestock and/or poultry

40. Bylaw No. 13-2003 and Bylaw No. 3-1999 are hereby repealed.

41. This bylaw shall come into force and take effect from the date of final passing hereof.

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MAYOR

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TOWN ADMINSTRATOR

**SCHEDULE "A"**  
**BYLAW NO. 1 - 2009**

Cat Trap Permit

Date: \_\_\_\_\_ Trap No. \_\_\_\_\_

The undersigned agrees to the following terms and conditions:

- to place the cat trap on his or her property which is within the Town of Preeceville;
- to personally check the cat trap each hour while the trap is set:
- In the event a cat is trapped, to immediately deliver the cat to Pound Keeper at 547-2105. In the event that the Town pound is closed, the cat may be held until the Pound re-opens, but in no event for longer than twenty four (24) hours. Where a cat is held, the undersigned is responsible for 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, dry and secure 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 an Animal Control Officer. 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 0 degrees or rises above +30 degrees Celsius:
- an Animal Control Officer may enter the property of the undersigned to ensure the trap is being used properly:
- to advise the Pound Keeper or Animal Control Officer of the ownership of any cat trapped, if known:
- To be responsible for the trap, including the cost of repair or replacement if damaged, lost or stolen. The trap is to be returned in a good and clean condition:
- traps must not be set on statutory holidays as the Animal Control Office is closed:
- The trap is to be returned to the Animal Control Officer two days after issuance.

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

Address of intended location of trap: \_\_\_\_\_

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 Preeceville for all such liability.

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

Name of Complainant: \_\_\_\_\_

Address of Complainant: \_\_\_\_\_

TRAP RETURNED

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

Received by: \_\_\_\_\_

Remarks: \_\_\_\_\_

**SCHEDULE "B"**  
**Bylaw No. 1 - 2009**

A. Voluntary payment:

1. The voluntary payment for a first offence of any Section of the Bylaw shall be fifty (\$50.00) Dollars, payable within 20 calendar days of receiving the Notice of Violation.
2. Subsequent offences within twelve (12) months of first offense of the same section;
  - (a) For a second offense of any Section of the Bylaw shall be One Hundred (\$100.00) Dollars payable within 20 calendar days of receiving the Notice of Violation.
  - (b) For a third offense of any Section of this Bylaw shall be Two Hundred (\$200.00) Dollars payable within 20 calendar days of receiving the Notice of Violation.
3. The Impoundment Fee under any Section for this bylaw shall be:
  - (a) \$25.00 plus pound fees for the first offence;
  - (b) \$50.00 plus pound fees and any other cost incurred, for the second offence;
  - (c) \$100.00 plus pound fees and any other cost incurred, for the third offence.



**SCHEDULE "C"**  
**BYLAW NO. 1 - 2009**

THE ANIMAL DESCRIBED IS IN VIOLATION OF THE TOWN OF PREECEVILLE  
BYLAW NO. 1 - 2009

Name of Owner or  
keeper: \_\_\_\_\_

Address of Owner or  
Keeper: \_\_\_\_\_

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

Description of Animal: \_\_\_\_\_

Location of  
Violation: \_\_\_\_\_

Issued by: \_\_\_\_\_

You as the owner or keeper of the above animal are charged with a violation of:

SECTION:

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

DESCRIPTION:

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

PENALTY:

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

The Voluntary penalty may be paid at the Town Office, between 8:00 am and 5:00 p.m.  
Monday through Friday or mail to P.O. Box 560, Preeceville Saskatchewan, S0A 3B0.  
Failure to remit the penalty indicated within twenty (20) days shall result in the issuance  
of a summons requiring your appearance in provincial Court.

**SCHEDULE "D"**

**BYLAW NO. 1 – 2009**

**TOWN OF PREECEVILLE  
DOG LICENSE  
FOR THE YEAR \_\_\_\_\_**

**LICENSE # \_\_\_\_\_**

**DOG INFORMATION:**

NAME: \_\_\_\_\_

BREED OF DOG: \_\_\_\_\_

DOG DISCRIPTION: \_\_\_\_\_

FEMALE: SPAYED \_\_\_\_\_ NOT SPAYED \_\_\_\_\_

MALE: NEUTERED \_\_\_\_\_ NOT NEUTERED \_\_\_\_\_

\_\_\_\_\_ VETERINARY CERTIFICATE OF PROOF PROVIDED THAT THE DOG IS SPAYED OR NEUTERED.

\_\_\_\_\_ VETERINARY CERTIFICATE OF PROOF PROVIDED THAT THE DOG HAS BEEN VACINATED AGAINST RABIES WITHIN TWO (2) YEARS OF THE DATE OF THIS APPLICATION. (This condition must be met prior to issuing a license.)

\_\_\_\_\_ THE DOG HAS NOT BEEN DECLAIRED A DANGEROUS DOG BY ANY OTHER MUNICIPALITY, CITY, TOWN ETC. OR BY ANY PROVINCIAL COURT JUDGE. (This condition must be met prior to issuing a license.)

**OWNER OR KEEPER OF THE DOG:**

NAME: \_\_\_\_\_

CIVIC ADDRESS: \_\_\_\_\_

CONTACT PHONE NUMBER: \_\_\_\_\_

SECONDARY CONTACT PHONE NUMBER: \_\_\_\_\_

(A secondary phone number must be provided.)

I CERTIFY THAT THE ABOVE INFORMATION IS TURE.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_

**LICENSE FEE:**

DOG LICENSE FEE PAID: \_\_\_\_\_

THIS LICENSE IS VALID TO DECEMBER 31<sup>ST</sup>, \_\_\_\_\_.