

TOWN OF LUSELAND

BYLAW NO. 2023-11

A BYLAW TO LICENSE AND PROHIBIT ANIMALS RUNNING AT LARGE

The council of the Town of Luseland in the Province of Saskatchewan enacts as follows:

1. TITLE

- a. This Bylaw may be referenced as the “Animal Control Bylaw”.

2. DEFINITIONS

For the purpose of this Bylaw the expression:

- a. “**dogs**” shall mean members of the Canis genus species;
- b. “**cats**” shall mean members of the Felis catus species;
- c. “**administrator**” shall mean the administrator of the municipality;
- d. “**council**” shall mean the council of the municipality;
- e. “**designated officer**” shall mean that person designated by the council of the municipality;
- f. “**municipality**” shall mean the Town of Luseland;
- g. “**poundkeeper**” shall mean the person appointed as poundkeeper by the council of the municipality;
- h. “**pound**” shall mean such premises and facilities as may be designated by council, from time to time, as the pound; and
- i. “**running at large**” shall mean off the premises and boundaries of the land occupied by the owner, possessor or harbourer or beyond the boundaries of any lands where the dog or cat may be with the permission of the owner or occupier of the lands and is not under control by being tied or secured to a leash or chain or other similar restraining device not exceeding two meters in length.
- j. “**owner**” includes:
 - (i) a person who owns, harbours or 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;
- k. “**Luseland Legion Park**” means the area encircled by Chipman Street, Grand Avenue, Anderson Street and Saskatchewan Avenue owned by the Town or under the management and control of the Town;

3. PURPOSE

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;
- d. to control and regulate pigeons and bees;
- e. to control and regulate exotic and wild animals;

4. LICENSING

Cat and Dog Licenses Required. 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. Every person in the municipality who owns, possesses or harbours a dog over 6 months old shall obtain a license from the town office.

- b. Every person in the municipality who owns, possesses or harbours a cat over 6 months old shall obtain a license from the town office.
- c. The license shall be in effect from January 1 to December 31 of a calendar year and shall be obtained on or before January 15 or within 30 days of taking possession of the dog or cat. The license fee shall be in accordance with a schedule attached as Appendix A”.
- d. Every person to whom a license has been issued under this bylaw shall cause his or her dog or cat to wear a collar to which shall be attached the license tag issued by the municipality pursuant to this bylaw.
- e. A person residing in the municipality who owns, possesses or harbours an animal mentioned in this bylaw and neglects or refuses to take out a license therefore shall be deemed guilty of an infraction of this bylaw.
- f. When applying for a licence 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;
 - iv. any other relevant information which may be required.

Regulation and Control of Cats and Dogs

5. RUNNING AT LARGE

- a. No dog or cat shall run at large in the municipality.
- b. A person who owns, possesses or harbours a dog or cat found running at large shall be deemed guilty of an infraction of this bylaw.
- c. Any person may take any dog or cat found running at large contrary to the provisions of this bylaw to the municipal pound where it shall be kept for five days which shall not include statutory holidays and weekends unless the owner, possessor or harbourer redeems the animal by paying at the Administration office a fine in the amount of \$30.00 in addition to the sum of \$15.00 per day or partial day for the care and keep of each animal.
- d. The poundkeeper or person designated by the poundkeeper may destroy any dog or cat which has not been redeemed within the period of time noted in section 9.

6. LIMITS – DOGS AND CATS

- a. No person within the Town shall harbour or keep more than three (3) dogs or cats or combination thereof on any one property. The Town will allow a grandfather clause for existing pets in excess of three (3) prior to the passing of this BYLAW, subject to a requirement that all dogs / cats must be licensed and the clause will be for the lifetime of the registered dog / cat. If an owner fails or refuses to comply with the provision of this section, he/she shall be subject to the penalties as set out in Appendix “C” attached hereto and which may be amended from time to time by resolution of Council.

7. DEFECACTION

- a. If a dog or cat defecates on any public or private property other than the private property of the owner, possessor or harbourer of the dog or cat shall cause such defecation to be removed immediately and disposed of in a sanitary fashion. Failure to cause such removal shall be an infraction of this Bylaw
- b. The owner or any other person having care or control of an animal shall ensure that defecation on the property of the owner, possessor or harbourer

- does not accumulate to such an extent that it may cause a nuisance and/or health risk to others.
- c. The Designated 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.
 - d. If a notice under section 13 is not served personally on the 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.
 - e. A notice served by registered mail is deemed to have been received on the fifth day following the date of mailing.
 - f. The Town may remove the feces from the property if:
 - I. the person to whom the notice is provided 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.
 - g. If the Town carries out the work under section 16, 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;
 - 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.

8. PROHIBITED AREAS

- a. The Luseland Legion Park is designated as an area where pets are not permitted, whether or not the dog or cat is on a leash.
 - i. This Section shall not apply to a person who owns and is physically reliant on a guide dog or cat trained and used to assist such person

9. PROHIBITED ANIMALS

- a. No person shall own or harbour any animals, or hybrid of any animal, of the kind listed in Appendix "B" for any purpose.
10. A person who contravenes any of the provisions of this bylaw shall be guilty of an offence and upon summary conviction shall be liable to a maximum penalty as set out in Appendix "C".

11. Provision for voluntary payment for contravention of this bylaw is set out in Appendix "D".


12. Bylaw No. 2022-04 is hereby repealed.

13. This Bylaw shall come into force on the day of its final passing.

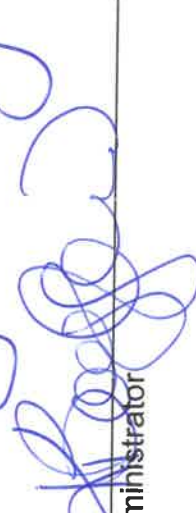


Read a third time and adopted this
14th day of November, 2023

Administrator



Mayor



Administrator

APPENDIX "A"
To Bylaw No. 2023-11

LICENSE FEES

1. The basic annual license fee for each dog or cat shall be \$50.00 with an early payment rebate of \$5.00 if paid before January 15 in any year.
2. Notwithstanding section 1, the basic fee for any license purchased after June shall be \$40.00.
3. A rebate of \$15.00 shall be allowed for any fee pursuant to sections 1 and 2 where the owner presents satisfactory proof that the dog or cat has been spayed or neutered.
4. A rebate of \$5.00 shall be allowed for any fee pursuant to sections 1 and 2 where the owner produces a current rabies vaccination certificate issued by a veterinarian for the dog or cat to be licensed.
5. If a tag is lost or destroyed a replacement will be issued by the Administrator at a cost of \$5.00.

APPENDIX "B"
To Bylaw No. 2023-11

PROHIBITED ANIMALS

The following is a list of animals the keeping of which is prohibited within the Town of Luseland:

- a. all animals being reared for the bearing of fur or food;
- b. all animals whose normal habitation is outside of urban centers (such as fox, deer);
- c. all Arachnids dangerous to humans (such as scorpions and tarantulas, except tarantulas of the genera Aphonopelma, Avicularia and Grammostola);
- d. all Artiodactylus Ungulates (such as goats, sheep, cattle, pigs and llamas);
- e. all Bats;
- f. all Bees;
- g. all Canids, except the domestic dog;
- h. Wild fowl or poultry (unless specifically approved by Council);
- i. all Crocodilians (such as alligators, crocodiles and caimans);
- j. all Edentates (such as anteaters, sloths and armadillos);
- k. all Elephants;
- l. all Felids, except the domestic cat;
- m. all Horses;
- n. all Hyenas;
- o. all insects being raised for the purpose of profit or gain;
- p. all Livestock;
- q. all Marsupials (such as kangaroos and opossums);
- r. all Mustelids (such as skunks, weasel, otters and badgers) except the domestic ferret;
- s. all non-human Primates (such as gorillas and monkeys);
- t. all Perissodactylus Ungulates (such as horses, donkeys, mules and asses);
- u. all Pinnipeds (such as seals, fur seals and walruses);
- v. all Procyonids (such as raccoons, coatis and cacomistles);
- w. all Raptors, diurnal and nocturnal (such as eagles, hawks and owls);
- x. all Ratite Birds (such as ostriches, rheas and cassowaries);
- y. all Galliformes (such as chickens, turkeys, grouse, quails and pheasants);
- z. all Anseriformes (such as ducks and geese);
 - I. all snakes of the families Pythonidae and Poidae;
 - II. all Ursids (bears);
 - III. all venomous Reptiles and Amphibians;
 - IV. all Viven-ids (such as mongooses, civets and genets)
 - V. all Columbidae (such as pigeons and doves, unless specifically approved by Council)

APPENDIX "C"
To Bylaw No. 2023-11

PENALTIES

<u>Reference</u>	<u>Offence</u>	<u>Penalty</u>		
Subsequent		1 st Offence	2 nd Offence	3 rd Offence
Section 3	Failure to license dog or cat	\$200.	\$400.	\$600.
Section 5	Failure to attach valid license when a dog or cat is off the premises of the owner	\$ 60.	\$200.	\$300.
Section 7	Dog or cat being at large	\$200.	\$300.	\$500.
Section 11	Exceeding Dog & Cat Limit of three (3) total	\$100.	\$200	\$200
Section 12	Failure to immediately remove excrement (defecation) from public or private property other than the property of the dog or cat owner	\$100.	\$200.	\$500.

APPENDIX "D"
To Bylaw No. 2023-11

VOLUNTARY PAYMENTS

1. Where the Designated Officer believes that a person has contravened any provision of this Bylaw, he may serve upon such person a Bylaw Violation Notice 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. Such notice shall be deemed to have been served:
 - a) on the fifth day following the date of mailing;
 - b) on the day of actual delivery, if the Notice is served personally; or
 - c) on the business day following the transmission, if given by fax.
3. A Bylaw Violation Notice shall be in such form as determined in Schedule #1 and shall state the section of the Bylaw which was contravened and the amount which is provided in Appendix "C" 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 20 days for the issue thereof, together with the payment of the fee as provided in Appendix "C" to the Administrator of the Municipality, the person to whom the ticket was issued shall not be liable for prosecution for the contravention in which the ticket was issued.
5. 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.

SCHEDULE #1

BYLAW VIOLATION NOTICE

Town of Luseland
Bylaw Violation Notice

Reference No. _____

Name _____

Address _____

This official notice is issued for alleged breach of the following bylaw:

Bylaw No. _____

Section No. _____

Offence: _____

Voluntary Payment: _____

Details of Alleged Breach of Violation:

Date and time of violation: _____

Location of violation: _____

Other particulars: _____

Penalty:

Take notice that you may remit a voluntary payment to the Municipality in the amount stipulated above to avoid prosecution for this offence.

Payment may be made in person at the municipal office, by mail to:

Town of Luseland
Box 130
Luseland SK S0L 2A0

or by e-transfer to:

luseland@sasktel.net

If the voluntary payment indicated above is not received by _____,
a summons requiring your appearance in provincial court will be issued.

Issued this _____ day of _____, 20____ by _____

Signature of Designated Official