TOWN OF WAWOTA

BYLAW NO. 4/2017

A BYLAW OF THE TOWN OF WAWOTA TO PROVIDE FOR THE LICENSING, PROHIBITING, REGULATING AND CONTROL OF ANIMALS.

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

Short Title

1. This Bylaw may be called "The Animal Control Bylaw."

Purpose

2. The purpose of this Bylaw is as follows:

(a) To provide for the license of dogs and cats;

(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 the keeping of domesticated or wild birds, animals, reptiles and other exotic species of animal within the limits of the Town of Wawota.

Part I
Definitions

3. (a) **"Animal"** shall include and mean 'Dogs, Puppies', known as family Canidae or 'Cats, Kittens' known as family Felis Domestica, male or female, any age or size, and of every breed or classification or mixture of breeds;

(b) **"Bylaw Enforcement Officer"** means a person or persons, employed by the Town of Wawota, to enforce the provisions of this Bylaw;

(c) **"Designated Officer"** means an employee or agent of the Municipality appointed by Council to act for the purposes of this Bylaw;

(d) **"At Large"** means if the animal is off the premises perimeter of its owner and, is not, on a leash not exceeding three meters in length and under proper control;

(e) **"Town"** means the Town of Wawota.

(f) **"Council"** means the Council of the Town of Wawota.

(g) **"Court"** means the Provincial Court of Saskatchewan established pursuant to ***The Provincial Court Act;***

(h) **"Owner"** includes:

(i) a person who keeps, harbours or has possession, charge 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 and in such control.

(i) **"Peace Officer"** means any member of the RCMP detachment.

(j) **"Pound"** means the premises designated for an impoundment facility.

(k) **"Pound Keeper"** means a person, persons, corporation, society, or association designated by the Town of Wawota from time to time to administer the Pound.

(l) **"SPCA"** means the Society for the Prevention of Cruelty to Animals.

(m) **"Restricted Dog"** shall mean

(i) Any dog that has been trained as a guard dog where such training involves physical attack on an intruder when such animal is not engaged in guarding a business premises(s).

(n) **"Dangerous Dog"** shall mean:

(i) Any dog whatever its age with a known propensity, tendency or disposition to attack without provocation other 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 purpose of fighting dogs or other domestic animals.

(For the purpose of proceedings to this section a dog is presumed not to have been provoked in the absence of evidence to the contrary.)

Part II
Licensing

DOG AND CAT LICENSES REQUIRED

4. No person owning, renting or leasing property in the Town of Wawota, shall own or keep a dog or cat within the limits of the Town of Wawota, for more than twenty four (24) hours each calendar month the ("Allowable Time") unless such dog or cat is licensed subject to:

(a) Section 5(a) whereby the dog or cat is verified by a veterinarian to be less than four (4) months old and as such does not require a license;

(b) Non-residents and those persons not owning any property in the Town of Wawota and who are in the Town of Wawota on visitation or a temporary basis, may keep unlicensed dogs or cats in the Town of Wawota, subject to their compliance with the remainder of the Bylaw, for a period of up to two (2) months.

LICENSING OF DOGS AND CATS

5. (a) Every owner of a cat or dog that is over four (4) months old or who has exceeded the allowed time shall within thirty (30) days of becoming the owner obtain a license for each dog or cat. Upon request of the Bylaw Enforcement Officer, the owner shall provide a veterinarian certificate stating the age of the animal to the Bylaw Enforcement Officer within 7 days of such a request, then the animal shall be deemed to require a license. In the event the Bylaw Enforcement Officer has reasonable cause to believe the allowable time has been exceeded, then the animal shall be deemed to require a license.

(b) Notwithstanding subsection (a), any dog/cat adopted, claimed or otherwise taken from the SPCA must obtain a license prior to that animal being released from the SPCA.

(c) The license referred to in subsection (a) shall not be transferable.

(d) When applying for a license under this Section, the owner shall provide the following:

(i) a description of the dog/cat, including breed, name, gender, and age; a history of rabies vaccinations for the animal and whether the animal has been spayed or neutered.

(ii) the name, date of birth, address and telephone number of the owner; and

(iii) any other relevant information which may be required.

(iv) the number of Dogs and Cats in the household to be licensed. The number of licenses granted per household within the Town of Wawota cannot exceed the maximum number of animals specified in Section 22(a) of this Bylaw;

(v) the owner shall be supplied with a current license tag. Where a license tag is lost or destroyed, the owner will be issued a replacement license tag and the owner shall be responsible for any replacement costs.

VALID LICENSE TAG ATTACHED

6. The owner of a dog/cat shall ensure that the dog/cat wears a collar to which is attached a valid license tag, whenever the dog/cat is off the premises of the owner.

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.

Part III
General

PROHIBITED AREAS

8. (a) No person shall permit a cat of dog or any animal to be:

(i) within ten meters of any playground apparatus available for public use;

(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.

CAT TRAPS

9. Council will notify the public when they are going to commence trapping of cats without collars. Schedule No. 7.

CLEANUP OF ANIMAL FECES

10. (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

11. (a) An owner or occupant of private property must not allow animal feces to accumulate on the property which unreasonably interferes with the uses and enjoyment of adjoining premises by owners or occupants.

(b) A Bylaw Enforcement Officer may serve an owner or occupant of private property with a notice to remove all animal feces from the property within seventy-two (72) hours of service of notice.

(c) A notice under subsection (b) may be served personally on an owner or occupant of private property, or sent by registered mail addressed to the owner of the property at the mailing address shown on the last revised assessment roll of the Town of Wawota or address supplied on license issued if any.

(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 of Wawota 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 hours; or

(ii) after reasonable inquiry, the whereabouts of the owner or occupant of the property cannot be determined.

(f) If the Town of Wawota removes the feces pursuant to subsection (e), the Town of Wawota may collect from the owner reasonable charges and expenses as a debt due to the Town and they may recover the charges and expenses incurred:

(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 forming part of the taxes on the land on which the work was done.

DOG AND CAT RUNS

12. (a) Where a cat or dog is housed or enclosed in a run, the Owner shall ensure that the run is kept in a sanitary condition protecting the health and safety of the cat and/or dog and any other living being.

(b) An Owner shall ensure that a cat and/or dog run on the Owner's property is located no closer than one (1) metre to a property line and no closer than five (5) metres from a dwelling unit located on an adjacent property.

(c) An Owner shall ensure that a cat and/or dog run on the Owner's property is constructed of material of sufficient strength and in a manner adequate to:

(i) confine the cat and/or dog; and

(ii) prevent the entry of children of tender years.

(d) If, in the opinion of the Bylaw Enforcement Officer, the condition or location of a cat and/or dog run is not in accordance with this Bylaw, the Bylaw Enforcement Officer may order the owner of the property on which the cat and/or dog run is located, to clean, alter, demolish or relocate the run within the period specified in the order.

(e) The person to whom an order is issued pursuant to subsection (d) shall comply with the order within the time specified in the order.

(f) An order to relocate a cat and/or dog run issued pursuant to subsection (b) will allow the owner of the property on which the run is located, at least thirty (30) days to relocate or remove the run.

(g) The person shall also keep the dog noise to a minimum for the neighbours while they are in their dog run.

ANIMAL LEFT UNATTENDED IN A MOTOR VEHICLE

13. The owner of an animal shall ensure that such an animal shall not be left unattended in any motor vehicle unless the animal is restricted so as to prevent access to a person or persons and as long as such restraint provides for suitable ventilation.

AGGRESSIVE ANIMALS

14. The owner of an animal shall ensure that such an animal shall not:

(a) Bite a person or persons whether on the property of the owner of not;

(b) Do any act to injure a person or persons whether on the property of the owner of 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 or is a trespasser on the property of the owner;

(d) Cause damage to property or other animals.

INTERFERENCE

15. No person shall:

(a) Untie, loosen or otherwise free an animal which has been tied or otherwise restrained; or

(b) Negligently or willfully open a gate, door or other opening of a fence or enclosure in which an animal has been confined and thereby allow the animal to run at large in the Town of Wawota; or

(c) Tease, entice, bait or throw objects at a confined animal.

STERILIZATION OF CATS

16. (a) It shall be unlawful for any person to be or become an owner of a cat that is actually or apparently over six months of age unless the cat has been sterilized or unless the person holds a valid cat breeding permit for an unsterilized cat as provided in Schedule No. 3.

(b) If a cat, with or without identification, has not been sterilized, the person claiming ownership will be cited by a Bylaw Enforcement Officer for a violation of Section 17.

(i) The penalty for violation Section 17 shall be waived upon:

(ii) The purchase of a cat breeding permit as provided in Schedule No.3.

(iii) Proof that the cat has been sterilized being furnished to the Poundkeeper within thirty (30) days after the date the citation was issued.

DOG AND CAT BREEDING PERMIT

17. (a) The Town may prescribe the form required by any person who wishes to obtain a dog/cat breeding permit that will exempt that person from the provisions of Section 17 during the life of the permit.

(b) The Town may, upon receiving an application completed in the form as set out in Schedule No. 3 to this Bylaw and the fees for a dog/cat breeding permit, issue a dog/cat breeding permit, which permit will be valid for a period of two (2) years from the date of issuance.

(c) Every female dog/cat in heat be housed or confined to a kennel.

(d) An owner who holds a breeding permit is responsible for ensuring that the cat/dog to which the permit relates is not permitted to cause a nuisance in the Town of Wawota.

HUMANE DESTRUCTION OF SICK AND INJURED ANIMALS

18. (a) A Bylaw Enforcement Officer, Peace Officer, or veterinarian may take immediate action to humanely destroy any sick of injured animal found within the Town of Wawota, where in his opinion, immediate destruction of the animal is necessary to avoid unnecessary suffering by the animal or the spread of the disease.

(b) Reasonable efforts shall be made to contact the owner of an animal before it is destroyed, however no action lies against the Bylaw Enforcement Officer, Peace Officer, or veterinarian solely because the owner of the animal was not contacted.

OTHER ANIMALS

19. (a) It shall be unlawful to keep live poultry, livestock and/or bees within boundaries of The Town of Wawota.

(b) No person shall own or harbour any animal, or hybrid of any animal, of the kind listed in Schedule No. 5 for any purpose.

(c) No person, partnership or corporation, whether operated separately or in connection with another business enterprise, shall operate a pet store that buys, sells, trades, exhibits or harbours any animal or hybrid of any animal of the kind listed in Schedule No. 5.

Part IV
Impounding of Cats and Dogs

IMPOUNDING OF CATS AND DOGS

20. (a) A Bylaw Enforcement Officer, Poundkeeper, Peace Officer, or Designated Officer may seize and impound any cat or dog that is at large.

(b) A Bylaw Enforcement Officer, Poundkeeper, Peace Officer, or Designated Officer may enter onto the land surrounding any building in pursuit of any cat or dog which is found at large.

(c) 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 Poundkeeper services.

IMPOUNDED CATS AND DOGS

21. (a) The Poundkeeper shall keep all impounded cats and dogs for a period of seventy-two (72) hours.

(b) During this period, the owner may reclaim the cat or dog from the pound upon payment to the Poundkeeper of the fees set out in Schedule No. 4.

(c) No unlicensed dog or cat which is impounded shall be released to its owner until a license has been purchased.

(d) If a dog or cat impounded is wearing a valid license tag, the Poundkeeper 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 whatever shall attach to the Town or the SPCA 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 to comply within this period with the conditions set out in subsection (b) and (c), the Poundkeeper may sell or humanely destroy the cat or dog.

Part V
Permitted Number of Animals

PERMITTED NUMBER OF ANIMALS

22. (a) No household within the Town of Wawota shall possess or harbour more than the maximum number of animals as outlined in Schedule No. 6.

Part VI
Voluntary Payment Schedule

23. Schedule of fees and fines for Voluntary Payment of Offenses as Stated

Fine	Amount	Paid within 7 days	Subsequent
Failure to License (Part II)	$250/animal	$75/animal	$350/animal
Maximum # of Animals permitted Exceeded (Part V)	$250/animal	$75/animal	$350/animal
Running at large (Part IV)	$140/animal	$40/animal	$280/animal
Nuisance cats and Dogs (Part IV)	$125/animal	$25/animal	$250/animal
Failure to remove Defecation (Part III)	$75/animal	$25/animal	$150/animal

Part VII
Offences and Penalties

GENERAL PENALTY

24. (a) Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction:

(i) in the case of an individual, to a fine of not more than $2,000.00; and

(ii) in the case of a corporation, to a fine not more than $5,000.00.

(b) If a person owes the Town of Wawota for costs incurred by the Town with respect to an animal, the Town of Wawota, may add the amount owing to the tax roll of any parcel of land for which the person responsible is the assessed person.

(c) If an amount is added to the tax roll of a parcel of land pursuant to subsection (b) the amount:

(i) 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

(ii) forms a lien against the parcel of land in favour of the Town of Wawota from the date it was added to the tax roll.

(d) Any person convicted of an offence, as instructed by a Bylaw Enforcement Officer, shall remove all animals of said fine from the municipality, or surrender all animals, of kind to a Bylaw Enforcement Officer so that the said animals may be transported to an appropriate facility or humanely destroyed.

(e) Any person who fails to deliver an animal as required by subsection (d) is guilty of an offence and liable on summary conviction to the penalty contained in subsection (a).

VOLUNTARY PAYMENT TO AVOID PROSECUTION

25. (a) A person who contravenes Section 4,5,6,7,8,10,11,12,13,14,15,16,17,18,19, 22,23,24,27 upon being served with a Notice of Violation as prescribed by the Bylaw Enforcement Officer of the Town of Wawota, may voluntarily pay the prescribed penalty in Schedule No. 2 at the office of the Town of Wawota.

(b) If the Town of Wawota Office 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 constructed to prevent any person from exercising the right to defend a charge for contravention of this Bylaw.

(d) A Notice of Violation may be issued by a Bylaw Enforcement Officer or a Peace Officer.

(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 Section 25.

Part VIII
Miscellaneous

DESIGNATED POUND KEEPER

26. Employee or Council or persons, whom council hires as designated Pound Keeper.

ANIMAL ABANDONMENT

27. (a) No person shall willfully fail to provide shelter or care of an animal in such a way as to desert or abandon such animal for which that person is an owner.

(b) No person shall abandon any animal on the property of the SPCA without formally surrendering such an animal that is being held at the SPCA and for which he is an owner.

(c) No person shall willfully fail to claim an animal that is being held at the SPCA and for which he is an owner.

APPOINTMENT OF BYLAW ENFORCEMENT OFFICERS

28. (a) A Bylaw Enforcement Officer appointed under this Section may enforce this Bylaw within the Town of Wawota and may perform any other duties that may be imposed by any other Bylaw regarding the control, licensing and regulation of animals.

(b) A Bylaw Enforcement Officer and the Pound Keeper shall be designated officers for the purposes of this Bylaw.

SEVERABILITY

29. If any section, subsection, sentence, clause, phrase or other portion of this Bylaw is for any reason held invalid or unconstitutional by a Court or 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 portions of the Bylaw.

DISOBEY A BYLAW ENFORCEMENT OFFICER

30. It shall be an offence for any person to harass, threaten and use excessive profanity or to disobey a Bylaw Enforcement Officer. No person, whether or not he is the owner of a dog or cat which is being or has been pursued shall:

(a) Interfere with or attempt to obstruct a Bylaw Enforcement Officer who is attempting to seize or has seized a dog or cat in accordance with the provisions of this Bylaw.

(b) Unlock or unlatch or otherwise open the vehicle in which the dogs and cats seized under this Bylaw has been placed, so as to allow or attempt to allow any dog or cat to escape there from.

(c) Remove or attempt to remove any dog or cat from the possession of the Bylaw Enforcement Officer.

PENALTY

Disobey Bylaw Enforcement Officer $100.00

REPEAL

31. Bylaw No. 2-2013 is hereby repealed.

COMING INTO FORCE

This Bylaw shall come into force and take effect on the date of final passing thereof.

(SEAL) TOWN OF WAWOTA 1975 PROVINCE OF SASKATCHEWAN

Mayor

Administrator

Read a third time and adopted
this 19th day of April, 2017.

Administrator

TOWN OF WAWOTA 1975 PROVINCE OF SASKATCHEWAN

Certified a true copy of Bylaw No. 4/2017
adopted by resolution of Council on the
19th day of April, 2017.

Administrator

SCHEDULE NO. 1
BYLAW NO. 4/2017

TOWN OF WAWOTA

Dog/Cat License

OWNER INFORMATION

OWNER'S NAME _____
(Last, First, Middle)

Date of Birth _____

Telephone Number _____

Address _____,Wawota SK S0G 5A0
(Street)

Mailing Address _____, _____, _____ _____
(Box No.) (Town, City) (Prov.) (Postal Code)

ANIMAL INFORMATION

NAME OF DOG/CAT _____ AGE _____

DESCRIPTION _____
(Breed, Gender)

TATTOO NO. _____ MICRO CHIP NO. _____
(If Applicable) (If Applicable)

VALID FROM DATE OF LICENSING

_____ _____
ADMINISTRATOR DATE

SCHEDULE NO. 2

TOWN OF WAWOTA

NOTICE OF VIOLATION

NAME:

ADDRESS:

DATE OF BIRTH:

DETAILS OF OFFENCE:

DATE: _____ TIME_____A.M./P.M.

LICENCE NO.

VIOLATION:

____ Parking Bylaw No.

____ Animal Control Bylaw No.

____ Other Bylaw No.

DESCRIPTION OF VIOLATION:

LOCATION OF VIOLATION:

You are charged with violation of Bylaw No. _____ Section(s) _____

Penalty for the above violation: $ _____

Special Constable/Bylaw Enforcement Officer/Designated Official _____

You may make voluntary payment of the above penalty at the office of the Town of Wawota during regular office hours or by mail within ***seven (7) days*** of the date of service of this Notice of Violation.

If you do not make a voluntary payment within the time set out above, you shall be liable to prosecution and, upon summary conviction, you shall be liable to the penalty provided under ***Section 25*** of the said bylaw.

SCHEDULE NO. 3
BYLAW NO. 4/2017

TOWN OF WAWOTA

Dog/Cat Breeding Permit

OWNER INFORMATION

OWNER'S NAME _____
(Last, First, Middle)

Address _____,Wawota SK S0G 5A0
(Street)

Mailing Address _____, _____, _____ _____
(Box No.) (Town, City) (Prov.) (Postal Code)

ANIMAL INFORMATION

NAME OF DOG/CAT _____ AGE _____

DESCRIPTION _____

TATTOO NO. _____ MICRO CHIP NO. _____
(If Applicable) (If Applicable)

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2 YEAR PERMIT FEE $100.00 AMOUNT PAID _____ RECEIPT # _____

VALID FROM _____

T0 _____

_____ _____
SIGNATURE OF ISSUING OFFICER DATE

SCHEDULE NO. 4
BYLAW NO. 4/2017

TOWN OF WAWOTA

POUND FEES

LICENSED DOG OR CAT

Impounding Fee	$30.00

UNLICENSED DOG OR CAT

Impounding Fee	$30.00
Fine for No License	Fees set out in Part VI of Bylaw 4/2017

All fees are to be collected by the Pound Keeper.

SCHEDULE NO. 5
BYLAW NO. 4/2017

TOWN OF WAWOTA

BEING A LIST OF ANIMALS THE KEEPING OF WHICH ARE PROHIBITED WITHIN THE TOWN OF WAWOTA

- All Arachnids dangerous to humans (such as scorpions and tarantulas, except tarantulas of the genera Aphonopelma, Avicularia and Grammostola)
- All Artiodactylus Ungulates
- 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 Felids, except the domestic cat
- All Hyenas
- All Marsupials (such as kangaroos and opossums)
- All Mustelids (such as skunks, weasels, otters and badgers)
- All non-human Primates (such as gorillas and monkeys)
- All Perissodactylus Ungulates
- 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)

Example 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 NO. 6
BYLAW NO. 4/2017

TOWN OF WAWOTA

MAXIMUM NUMBER OF ANIMALS PERMITTED

There will be no more than three (3) dogs and or cats per household unless they were grandfathered in at the passing of Bylaw 2/2013 (August 21, 2013).

SCHEDULE NO. 7
BYLAW NO. 4/2017

TOWN OF WAWOTA

Date _____

The undersigned agrees to the following terms and conditions:

To place the cat trap only on his/her property.

To personally check the cat trap regularly where it has been set.

Any Pound Keeper may enter the property of the undersigned to ensure the trap is being used properly.

To advise the Municipality of the ownership of any trapped, if known.

To be responsible for the trap, including the cost of repair and replacement if damaged, lost, or stolen.

In the event a cat is trapped, to immediately contact the Pound Keeper or the Town Office at (306) 739-2216. The cat may be held until picked up by the Town Official. Where a cat is held, the undersigned is responsible for the 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 a 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 the Town Personnel. If the undersigned cannot comply with this condition, the trapped cat must be freed unharmed; ensure that no harm comes to any trapped cat while in his/her possession including exposure to inclement weather.

Address of intended location of trap: _____

Print Name _____

Signature _____

Witness _____

SCHEDULE NO. 7
BYLAW NO. 4/2017

TOWN OF WAWOTA

Name of Complainant: _____

Address of Complainant: _____

Trap Returned:

Date: _____

Received By: _____

REMARKS:

Note: Traps must be returned within 7 days from date of this permit.

Certified a true copy of Bylaw No. 4/2017

_____
Administrator