

BYLAW NO. 2002

Animal Control Bylaw

A BYLAW of the Village of Maryfield, in the Province of Saskatchewan, to provide for the prohibiting, regulating and controlling of animals within the Village of Maryfield.

THE COUNCIL FOR THE VILLAGE OF MARYFIELD IN THE PROVINCE OF SASKATCHEWAN ENACTS AS FOLLOWS:

Short Title

1. This Bylaw may be cited as "The Animal Control Bylaw".

Purpose

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

Part 1 -- Definitions

3. In this Bylaw, unless the context otherwise requires, the expression:
 - a) "Bylaw Enforcement Officer" means that person(s) appointed by the council of the Village of Maryfield for the purposes of this Bylaw;
 - b) "Assist Dog" means a dog used to assist persons with disabilities or dogs used by the Royal Canadian Mounted Police;
 - c) "Cat Trap Permit" means a permit in the form set out in Form B, issued by the Bylaw Enforcement Officer to a person to trap a cat running at large;
 - d) "Dogs" or "Cats" includes all species of the animals commonly known as dogs or cats, male or female, and of every breed or classification or mixture of breeds;
 - e) "Dog Run" means a structure designed and/or used for the keeping or containment of a dog;
 - f) "Kennel" means any structure used by any person to board or otherwise care for, train or whelp dogs or cats numbering more than three (3) dogs or three (3) cats in number over the age of three (3) months, whether or not for reward, but does not include:
 - (i) any premises occupied by a duly qualified veterinary surgeon for the practice of his profession.
 - g) "Administrator" means the Administrator of the Village of Maryfield, and such person or persons as he may from time to time appoint in writing to act on his behalf in the enforcement of the licensing provision of this bylaw;
 - h) "Judge" means a Provincial Court Judge;
 - i) "Medical Health Officer" means the Medical Health Officer for the Sun Country Health Region;
 - j) "Owner" means any person(s), partnership, association, or corporation owning, possessing, harboring, having charge of or control over any animal, and includes a keeper of a dog or cat;

k) "Pound Keeper" means that person, corporation, society or organization as may from time to time be appointed by the Village of Maryfield for the purpose of retaining impounded dogs and cats pursuant to this bylaw;

l) "Running at Large" means being on:

(i) public property unaccompanied by any person, or

(ii) public property accompanied but not under the "complete" control of a person by means of a leash suitable to the size/strength of the animal, or

(iii) private property unaccompanied or accompanied by any person but not under the "complete" control of a person by means of a leash suitable to the size/strength of the animal where the property owner has not given permission to the owner of the animal.

m) "Pests" shall mean anything that causes trouble, annoyance, nuisances, discomfort, or destruction, including by not limited to, skunks, rabbits and raccoons.

Part 2 -- Duties of Dog and Cat Owners

4. a) No owner or keeper of a dog or cat shall permit their dog or dogs or cat or cats on any school ground, playground or posted area except when the owner or keeper is attending a recognized training or obedience school for training his dog or cat.

b) Section 4 a) shall not apply to an owner who is using the dog in question for an "assist dog".

5. No owner or keeper of a dog or cat shall permit their animals to chase any pedestrian, vehicle or any other animal on a public thoroughfare.

6. a) 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.

b) A kennel owner shall not locate a dog run closer than 2 meters to a property line.

7. a) If a dog or cat defecates on any public or private property other than the property of its owner, the owner or keeper shall cause such defecation to be removed immediately.

b) Where, under 7 a) the owner of a dog or cat fails to remove such defecation immediately, the owner shall be in violation of this Bylaw.

8. No owner or keeper shall permit his dog or dogs or cat or cats to damage public or private property.

9. Every owner of a dog or cat shall provide his or her dog or cat with a collar; and

10. No owner shall use a choke chain on a dog or cat except when walking a dog/cat on a leash.

11. No person shall keep an animal within the city tethered on a chain, rope or similar restraining device of less than 3 meters in length.
12. Every person who has tethered an animal shall ensure the animal has unrestricted movement within the range of the tether.
13. Every person requested by an authorized person shall forthwith deliver a statement verifying in writing the number of dogs or cats owned by that person.
14. No person operating a motor vehicle within the city limits shall allow an animal to be on the drivers lap while the vehicle is in motion.
15. No person operating a motor vehicle with an exposed cargo area shall allow an animal to be outside of a pet cage in the exposed cargo area.

Dog Runs

16. a) (i) 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 protecting the health and safety of the dog and any other living being.
 - (ii) An Owner shall ensure a dog run on the Owner's property is located no closer than 2 meters to a property line.
 - (iii) 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:
 - a) confine the dog; and
 - b) prevent the entry of children under 12 years of age.
- b) (i) If, in the opinion of a Building Official or a Police Officer the condition or location of a dog run is not in accordance with this Bylaw, the Bylaw Enforcement Officer may order the owner of the property on which the dog run is located, to clean, alter, demolish or relocate the dog run within the time period specified in the order.
 - (ii) The person to whom an order is issued pursuant to subsection b(i) shall comply with the order within the time specified in the order.
 - (iii) An order to relocate a dog run issued pursuant to subsection b(i) 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.

Cat Traps

17. a) A person, who has been bothered by a cat being at large, may apply to the Bylaw Enforcement Officer to receive a Cat Trap Permit and a cat trap. Only traps approved and distributed by the Bylaw Enforcement Officer may be used.
- b) The Bylaw Enforcement Officer shall only approve a Cat Trap Permit and issue a cat trap to a person making an application pursuant to subsection (a) when that person:
 - (i) agrees to all the terms included in the Cat Trap Permit;

- (ii) executes a Cat Trap Permit.
- c) Where a cat trap is issued the permittee shall:
 - (i) abide by the terms of the Cat Trap Permit;
 - (ii) place the cat trap only on the permittee's property located within the village;
 - (iii) personally check the trap at least once each hour while the trap is set;
 - (iv) not use the trap when the temperature is:
 - (a) 0 degrees Celsius or less; or
 - (b) 28 degrees Celsius or more.
 - (v) return the cat trap to the Bylaw Enforcement Officer within 72 hours of the cat trap being issued; and
 - (vi) pay for the cost of repair or replacement of the cat trap if the issued cat trap is damaged, lost or stolen;
- d) (i) When a cat has been trapped in a cat trap, the permittee shall, for as long as and until the owner can collect the cat or the cat can be conveyed to an Animal Shelter by the permittee:
 - (a) hold the cat for no longer than 24 hours;
 - (b) treat the cat humanely;
 - (c) provide shelter for the cat in a warm, dry and secure area; and
 - (d) provide water and food for the cat.
- (ii) If a permittee cannot comply with the conditions in subsection d(i), the permittee must release the trapped cat unharmed.
- (iii) When a cat has been trapped in a cat trap, the permittee will convey the cat to the Animal Shelter and provide the Animal Shelter with:
 - (a) the name of the Owner of the cat, if known; and
 - (b) the location of the cat trap when the cat was trapped.

Part 3 - General

18. No person shall possess or harbor more than four (4) dogs or four (4) cats or a combination of both, for a total of four (4) 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:
- a) a veterinary hospital, clinic, or boarding kennel or grooming parlor
 - b) A public pound
 - c) A shop or breeder whose business includes the sale of pets.
 - d) A shelter operated by an association or society incorporated for the purpose of the protection and humane treatment of animals.
19. No person shall tease a dog or cat, entice a dog or cat, bait or throw objects at a dog or cat confined within its owner's property.

20. The operation of any kennel within the Village of Maryfield shall be subject to approval from the Medical Health Officer for the Saskatchewan Health Authority, and the kennel shall comply with the provisions of any Village of Maryfield Zoning Bylaw relating to the operation of kennels with the village. Furthermore, the construction of the kennel must receive prior written approval from the village council before construction of said kennel begins.

21. The Village Administrator shall institute a proper accounting system to ensure that official receipts are issued in respect of any pound fees or charges, or other monies received or collected in respect of this Bylaw, and that all records in respect of same are audited at the same time as other village records.

22. Notwithstanding Section 24 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 Sun Country Health Region whose instructions shall be carried out.

23. 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 or her 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 inoculations of dogs or cats.

24. No owner of a dog or cat shall permit his dog or cat to be or become a nuisance by barking or howling or emitting other animal sounds continuously for a period exceeding 10 minutes.

25. No person, whether or not he is the owner of a dog or cat which is being or has been pursued or seized shall:

- a) interfere with or attempt to obstruct the Maintenance Person, Bylaw Enforcement Officer or Peace Officer who is attempting to seize or who has seized any dog or cat in accordance with the provisions of this Bylaw; or
- b) unlock or unlatch or otherwise open the van or vehicle which the dog or cat seized under this Bylaw has been placed so as to allow or attempt to allow any dog or cat to escape therefrom; or
- c) remove or attempt to remove any dog or cat from the possession of the Maintenance Person, Bylaw Enforcement Officer or Peace Officer.

26. The Bylaw Enforcement Officer may capture pests within the corporate limits of the Village of Maryfield and impound, destroy, or otherwise dispose of such pests according to the Animal Protection Act of Saskatchewan.

27.a) The Village of Maryfield 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 parcel of land for which the owner is an assessed person.

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

- (i) is deemed for all purposes to be a tax imposed pursuant to The Municipalities Act, supra, from the date it was added to the tax roll; and
- (ii) forms a lien against the parcel of land in favor of the Village from the date it was added to the tax roll.

Part 4 - Other Animals

28. It shall be unlawful to keep live poultry, livestock, and/or bees, within the boundaries of the Village of Maryfield, except:

- (i) on the premises of a recognized industry in the business of handling livestock;
- (ii) on the premises of the Maryfield Fair Grounds in connection with shows, fairs, and/or exhibitions held with the permission of, or under the auspices of such association;
- (iii) on land owned by the Village and leased for the purposes of pastureland.

Control And Regulation Of Exotic and Wild Animals

29. No person shall own or harbor any animal, or hybrid of any animal, of the kind listed in Schedule "C" for any purpose.

30. 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 harbors any animal or hybrid of any animal of the kind listed in Schedule "C".

31. The following are permitted to harbor an animal or a hybrid of an animal of the kind listed in Schedule "C" in the following places or circumstances:

- a) in a veterinary hospital under the care of a licensed veterinarian;
- b) by anyone holding a license under any statute of Legislature of Saskatchewan or the Government of Canada, which permits the keeping of animals under stated conditions.

Part 5 - Penalty Provisions

32. Any person who does not comply with any part of an order made against him or her is guilty of an offense.

33. A person who is guilty of an offense is liable on summary conviction to:

- a) a fine of not more than \$10,000.00;
- b) imprisonment of not more than six months;
- c) a penalty consisting of any combination of clauses (a) and (b)

34. a) Every person who contravenes any provision of this Bylaw where no other penalty is provided, is guilty of an offense and liable on summary conviction and to a fine of not more than:

- (i) \$2,000.00 in the case of an individual;
- (ii) \$5,000.00 in the case of a corporation.

b) All fines, penalties and forfeitures mentioned in this Bylaw may be recovered and enforced with costs by summary conviction before a Judge 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 are paid sooner.

c) This Bylaw may be enforced, and the contravention of any provision of the Bylaw restrained, by any court on action brought by the Village of Maryfield, whether or not any penalty is imposed for the contravention.

d) Conviction of a person for a contravention of any provision of this Bylaw does not relieve him from compliance with the Bylaw, and the convicting Judge or Justice of the Peace shall, in addition to any fine imposed, order the person to perform, within a specified period, any act or work necessary for the proper observance of the Bylaw or to remedy the contravention of Bylaw.

e) A person who fails to comply with an order made pursuant to subsection d) hereof within the period specified in the order, is guilty of an offense and liable on summary conviction to a fine of not more than \$250.00 for each day during which the failure continues, to imprisonment for a term of not more than 90 days or to both such fine and imprisonment.

35.a) Where an animal control officer or peace officer believes that a person has contravened the provisions of this Bylaw, they may by personal service, serve or cause to be served upon such person a notice of violation in Form A as provided by this Section.

b) The notice of violation in Form A shall be in a form similar to that provided as Form A of this Bylaw and shall indicate thereon the section of the Bylaw which was contravened and the amount of penalty to be paid as provided in Schedule "B" of this Bylaw.

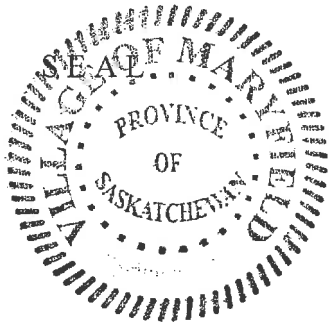
c) Upon production of the notice of violation in Form A issued pursuant to subsection a) within seven (7) days from the date of service together with payment as indicated on the notice of violation in Form A to the person to whom the notice of violation was issued shall not be liable for prosecution for the contravention in respect of which the notice of violation in Form A was given.

d) 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 offense and thereafter the provisions of this section shall not apply with respect to that offense. A person to whom a notice of violation in Form A is being issued pursuant to this section shall furnish any Bylaw Enforcement Officer or Peace Officer, upon request, with his name and address.

Part 8 - Bylaw Repealed and Effective Date Of This Bylaw

36. Bylaw 1901 is hereby repealed.

37. This Bylaw comes into force and take effect July 16th, 2020.



VILLAGE OF MARYFIELD

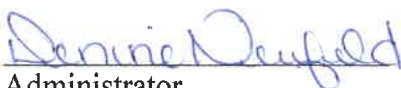


Mayor



Administrator

Read a third time and adopted
this 16th day of July, 2020



Administrator

SCHEDULE "A" TO BYLAW 1901

POUND FEES

All dogs or cats spayed or neutered	
First offense in a calendar year	\$50.00
Second offense & every offense thereafter in a calendar year	\$100.00

All dogs or cats not spayed or neutered	
First offense in a calendar year	\$120.00
Second offense & every offense thereafter in a calendar year	\$240.00

Where the owner provides proof to the Administrator that the animal has been spayed or neutered within 45 days of the offense that the animal has been sterilized, the Administrator shall rebate \$70.00 of the above noted fine.

The Pound fees prescribed in this Schedule are in addition to \$15.00 per day or portion thereof for food or otherwise, that the Administrator may impose.

FORM "A"

Notice of Violation of Bylaw 1901

VILLAGE OF MARYFIELD

Voluntary Payment of Fine

DETAILS OF VIOLATION

Name of Owner _____

Address of Owner _____

On the _____ day of _____, _____ at Maryfield, Saskatchewan at
_____ did unlawfully commit the following offense under the Village of
(time)

Maryfield Animal Control Bylaw No. 1901, Section No. _____

Description of Offense: _____

Location of Violation: _____

Description of Dog or Cat: _____

Please pay as indicated:

Penalty for the above infraction - \$ _____

Issued by: _____

Date of Issue: _____

The Voluntary Penalty may be paid during regular business hours at the Municipal Office, 602 Assiniboia Ave., Maryfield, Saskatchewan.

Voluntary Payment of the fine within seven (7) days after service of this Notice of Violation upon the owner results in the owner not being liable for prosecution for the offense.

Failure to remit the fine within seven (7) days after service of this Notice of Violation may result in issuance of a Summons.

FORM "B"

CAT TRAP PERMIT

Date: _____

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 Village of Maryfield;
- I will personally check the cat trap at least once every hour while the trap is set;
- When a cat is trapped, I will treat the cat 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 cat 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 degrees Celsius or rises above +28 degrees Celsius;
- I give my permission to a Bylaw Enforcement Officer to enter onto my property to ensure the cat trap is being used properly;
- I will advise the Bylaw Enforcement Officer of the name and address of the owner of the cat trapped, if known;
- I will pay the cost to repair or replace the cat trap if the cat trap is damaged, lost or stolen while in my possession;
- I will not set the trap on statutory holidays or days when the Village Maintenance Shop is closed, and;
- I will return the cat trap to the Bylaw Enforcement Officer within 3 days after the cat trap was issued.

IT IS A SERIOUS OFFENSE TO HARM ANY DOMESTIC ANIMAL

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 Village of Maryfield for all such liability.

Signature: _____

Name and Address of Permittee: _____

SCHEDULE "B"

AMOUNTS WHICH WILL BE ACCEPTED BY VILLAGE IN LIEU OF PROSECUTION

OFFENCE UNDER	OFFENCE	AMOUNT
Section 8	Prohibited Areas	\$50.00
Section 4	Running at Large	\$100.00
Section 5	Chasing Other Animals or Vehicles	\$100.00
Section 6	Failure to Keep Female Dog or Cat in Heat Housed	\$100.00
Section 8	Causing Damage or Litter	\$100.00
Section 14	Animal on Driver's Lap While Vehicle in Motion	\$50.00
Section 15	Animal Not In a Pet Cage In Cargo Area	\$50.00
Section 16	Unsanitary Dog Runs	\$250.00
Section 17	Inhumane Treatment of Trapped Cats	\$100.00
Section 19	Teasing An Animal	\$100.00
Section 23 & 24	Isolating Animal Due to Rabies	\$100.00
Section 25	Causing A Nuisance To Others	\$100.00
Section 26	Interfere With Enforcement	\$100.00
Section 29	Failure To Move Live Poultry, Livestock	\$100.00
Section 30	Owning And Harboring Exotic And Wild Animals	\$100.00
Section 33	Failure to Obey Order of Bylaw Enforcement Officer	\$100.00

For any reoccurrence of offenses by one animal owner within one calendar year

2nd Subsequent Offense - 2 times listed penalty

3rd & Subsequent Offense - 3 times listed penalty

SCHEDULE "C"

THE LIST OF ANIMALS THE KEEPING OF WHICH IS PROHIBITED WITHIN THE VILLAGE OF MARYFIELD

- All Arachnids dangerous to humans (such as scorpions and tarantulas, except tarantulas of the genera Avicularia and Grammostola)
- All Artiodactylous Ungulates, such as, goats, sheep, cattle, and pot bellied pigs
- 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) except the domestic ferret
- All non-human Primates (such as gorillas and monkeys)
- All Perissodactylous Ungulates, except the domestic horse, mule, and ass
- 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 particular prohibited group are given in parentheses. They are examples only and shall not be construed as limiting the generality of the group.