

Town of Nokomis
Bylaw No. 2024-04

A BYLAW OF THE TOWN OF NOKOMIS, IN THE PROVINCE OF SASKATCHEWAN,
TO REGULATE AND CONTROL ANIMALS

Animal Control Bylaw

The Council of the Town of Nokomis enacts as follows:

1. DEFINITIONS

1.1 In this Bylaw:

- (a) **Act** - *The Municipalities Act*.
- (b) **Administrator** - The person appointed as administrator pursuant to Section 111 of *The Municipalities Act*.
- (c) **Bylaw Enforcement Officer** – The person or persons appointed or contracted by the Council of the Town of Nokomis for the purpose of enforcing the provisions of this Bylaw.
- (d) **Cat** – A male or female cat over eight (8) weeks of age.
- (e) **Chicken** – A domesticated fowl that is kept for egg or meat production or as a pet, but does not include a turkey, goose, duck, artificially reared grouse, partridge, quail, pheasant, or ptarmigan.
- (f) **Council** - The mayor and councillors of the municipality elected pursuant to the provisions of *The Local Government Election Act*.
- (g) **Dog** – A male or female dog or a male or female puppy over eight (8) weeks of age.
- (h) **Vertebrates** - Any of the cold-blooded vertebrates constituting the class Reptilia. The class today includes the tortoises, turtles, snakes, lizards, spiders.
- (i) **Dangerous Animal** – An animal declared dangerous in accordance with Section 375 of *The Municipalities Act*.
- (j) **Hen** – A domesticated female chicken.
- (k) **Municipality** - The Town of Nokomis.
- (l) **Owner** – Includes:
 - i. A person, persons, partnership, association, or corporation who keeps, possesses, harbours, or has care of or control of a dog or cat.
 - ii. The person responsible for the custody of a minor where the minor is the owner of a dog or cat.
- (m) **Pound** – Such premises and facilities as may be designated by the Council for the purpose of safely lodging and securing animals seized pursuant to this Bylaw.
- (n) **Poundkeeper** – A person, corporation, society, or organization as may from time to time be appointed by the Municipality for the purpose of retaining impounded animals pursuant to this Bylaw.
- (o) **Person** – Includes an individual(s), partnership, association, or corporation.
- (p) **Rooster** – A domesticated male chicken.
- (q) **Running at Large** – When a dog or cat is beyond the boundaries of the land occupied by the owner, possessor, harbourer, or keeper of the said dog or cat, or beyond the boundaries of any lands where it may be with the permission of the owner or occupant of the said land and is not under control by being:
 - i. On a leash or harness and in direct continuous charge of a person competent to control it;
 - ii. Securely confined within an enclosure; or
 - iii. Securely fastened so that it cannot roam at will.

2. LICENSING OF DOGS AND CATS

- 2.1 That the owner of every dog or cat shall apply to the administrator by January 31 of each year for a license to keep such dog or cat within the Town of Nokomis. The license is valid for the year it is purchased. The required annual license fee as set forth in "Schedule A" be paid to the Town. The administrator shall issue a license and tag for each dog or cat licensed by owner. **If license fee is not paid by January 31 of each year then the fee increases as set forth in "Schedule A".**
- 2.2 Every owner of a dog or cat within the Town of Nokomis shall on demand by the License Inspector, Dog Catcher, Pound Keeper, or Bylaw Officer produce and show to the individuals making the demand his/her license and failure to do so shall be an offense under this Bylaw and the owner will be charged a fine as set forth under "Schedule A".
- 2.3 No owner of any dog or cat shall be in possession of such dog or cat unless such dog or cat has been licensed for the current license year. No dog or cat under the age of 3 months shall require a license. The license shall not be transferrable to any other dog or cat or other owner.
- 2.4 The provisions of Section 2 shall not apply to dogs and cats kept, in the ordinary course of business by the proprietors of the following premises namely:
 - a) A veterinary hospital, clinic, boarding kennel or grooming parlor;
 - b) A public pound;
 - c) A shop whose business includes the sale of pets and is licensed as such;
 - d) A shelter operated by an association or society incorporated for the purposes of the protection and humane treatment of animals;
 - e) Used for police work;
 - f) Seeing Eye Dog.
- 2.5 The owner or possessor of a kennel whose kennel name is registered in the register of the Canadian Kennel Club may in lieu of procuring a license for each dog as herein before required, pay the Town the sum of \$500.00 as the license fee for all dogs in such kennel. Such license shall cover all the registered dogs composing such kennel for the year in which such fee is paid. In applying for a license for such kennel, the person making the application must produce a certificate from the Canadian Kennel Club showing that such kennel has been registered. In all other respects the owner of such kennel shall comply with the provisions of this Bylaw and Zoning Bylaw and get approval of Administrator.
- 2.6 The tag issued by the Administrator shall bear a serial number in which it is issued and a record shall be kept by the Administrator showing the name and address of the owner and a description of each dog or cat owned by them including its breed, colour, age, sex and name and the serial number of the tag issued for each dog or cat.
- 2.7 The owner shall ensure that a collar, and the tag issued by the Administrator, are worn by the dog or cat when the animal is off the premises of the owner.
- 2.8 No unauthorized person shall remove a collar or dog or cat tag from a dog or cat.

3. SEIZURE AND IMPOUNDING

- 3.1 A Bylaw Enforcement Officer, or designated person, may seize and impound any dog or cat observed to be at large.
- 3.2 A Bylaw Enforcement Officer, or designated person, may enter land surrounding any building in pursuit of any dog or cat which has been observed to be at large.
- 3.3 The Bylaw Enforcement Officer, or designated person, is hereby authorized to seize and capture by any method authorized by resolution of council, and impound any dog or cat running at large contrary to the provisions of this Bylaw.
- 3.4 Any person may take any dog or cat found running at large contrary to the provisions of this Bylaw to the Pound or designated area.
- 3.5 No person, whether or not they are the owner of a dog or cat which is being or has been pursued or seized, shall;
 - (a) Interfere with or attempt to obstruct a Bylaw Enforcement Officer or designated person who is attempting to seize or has seized any dog or cat in accordance with provisions of this Bylaw.
 - (b) Unlock or unlatch or otherwise open the vehicle in which dogs or cats seized under this Bylaw have been placed so as to allow or attempt to allow any dog or cat to escape.
 - (c) Remove or attempt to remove any dog or cat from the possession of the Bylaw Enforcement Officer or designated person.

4. POUND

- 4.1 The Bylaw Officer or appointed person will act as poundkeeper.
- 4.2 All dogs and cats impounded in the Pound shall be so confined therein for a period of 72 hours from the time of capture during which time the owner thereof shall have the right to repossess the said dog or cat upon paying to the Administration Office the amount set forth in Schedule "A" of this Bylaw.
- 4.3 No dog or cat which is impounded shall be released to its owner or to any other person until the appropriate pound fee is paid, and registered if it was not previously registered.
- 4.4 When a dog or cat has been impounded, the Administration Office shall immediately attempt to contact the owner as shown in the records made when the dog or cat was registered at the address shown therein, that unless the said dog or cat is claimed and the fees as provided for in this Bylaw are paid within 72 hours from the date of the impounding, the said dog or cat shall be dealt with pursuant to the provisions of the Bylaw. Failing to find said owner by the internal records, the Administration Office shall immediately post notice in a visible place containing a description of the dog or cat along with the terms for release.
- 4.5 All impounded dogs or cats not claimed within 72 hours as aforesaid, may be sold by the Administration Office to any person paying for such dog or cat, a sum of not less than \$25.00 for the use of the Pound, and registering the dog or cat as provided for by this Bylaw. In the event any dog or cat is not sold after expiration of the said 72 hours, it shall be disposed of by either:
 - a) Humane destruction;
 - b) Transfer to a Humane Society for public adoption.
- 4.6 It shall be the duty of the Poundkeeper or designated person to provide each dog or cat impounded under the authority of this Bylaw an adequate supply of food, fresh water, and proper shelter during its confinement in the Pound on a daily basis.
- 4.7 All owners of dogs and cats with licenses shall receive one waived impound fee and one waived running at large fee per year provided the animal is claimed by the owner within 24 hours.

5. LITTER

- 5.1 If a dog or cat defecates on any public or private property other than the property of the owner, possessor or harbourer of the said dog or cat, 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 set forth in Schedule "A" of this Bylaw.

- 5.2 Defecations deposited on the private property of the owner, possessor or harbourer of a dog or cat shall be removed and disposed of in a sanitary manner on a weekly basis. The owner, possessor, or harbourer of a dog or cat shall not allow defecations to accumulate on their property so as to create a health hazard.

6. RUNNING AT LARGE

- 6.1 The owner of a dog or cat shall not at any time allow the dog or cat to run at large within the Municipality.
- 6.2 When the dog or cat is found to be running at large, its owner is deemed to have failed or refused to comply with the provisions of this Section, unless the owner proves to the satisfaction of the court that at the time of the offence, the owner did all that was reasonable to prevent the animal from being at large.
- 6.3 Any person who sees an animal running at large, and can positively identify the animal, can file a written complaint at the Administration Office.
- 6.4 The Bylaw Enforcement Officer or any other person designated by the Municipality will attempt to capture any animals found running at large and place them in the Pound.

7. PROHIBITED ANIMALS

- 7.1 No person shall own or harbour any animal, or hybrid of any animal, for any purpose, of the kind listed in Schedule "B" of this Bylaw.
- 7.2 Section 7.1 shall not apply to livestock and poultry brought into the Municipality for the duration of special events at which the said livestock and poultry will be used for purposes of exhibition or performing at a special event.

8. LIMITS – DOGS AND CATS

- 8.1 No person within the Municipality shall harbour or keep more than three (3) dogs over the age of six (6) months, on any one property. If an owner fails or refuses to comply with the provisions of this Section, they shall be subject to the penalties as set out in Schedule "A" of this Bylaw.
- 8.2 No person within the Municipality shall harbour or keep more than three (3) cats over the age of six (6) months on any one property. If any owner fails or refuses to comply with the provisions of this Section, they shall be subject to the penalties as set out in Schedule "A" of this Bylaw.

9. NUISANCE

- 9.1 The owner, possessor, or harbourer of a dog shall not allow the animal to create a nuisance to any person by barking, howling, attempting to bite, or biting anyone or any domestic animal, chasing vehicles or bicycles, and any owner, possessor or harbourer who contravenes this Section commits an offence as per Schedule "A" of this Bylaw.
- 9.2 The owner, possessor or harbourer of a cat shall not allow the animal to create a nuisance to any person by howling, hissing or otherwise making disruptive noises or by urinating, defecating, or spraying on or otherwise damaging or interfering with any property other than the property of the owner, possessor, or harbourer. Any owner, possessor or harbourer who contravenes this Section commits an offence as per Schedule "A" of this Bylaw.
- 9.3 Where a dog or cat is found to be creating a nuisance, the owner or occupant of that property on which the dog or cat is creating a nuisance may make a written complaint to the Administration Office.
- 9.4 Any person teasing a dog or animal, enticing animal, baiting or throwing objects at an animal confined within its owner's property shall be in violation of this Bylaw.

10. DANGEROUS ANIMALS

- 10.1 Where a complaint is received by the Administration Office that an animal within the Municipality is dangerous, Section 375 of The Municipalities Act shall apply.
- 10.2 Any owner whose animal has bitten or attempted to bite a person in the Town of Nokomis is guilty of an offense and liable to the penalties prescribed in this Bylaw and in Section 375 of *The Municipalities Act*.

11. OWNING AND HARBOURING OF DOGS AND CATS

- 11.1 At all times while a dog is on the premises of its owner and left unattended, the owner shall either keep such dog confined indoors, or confined in a securely enclosed and locked pen or other structure built (i.e. fence) to prevent the escape of the dog.
- 11.2 When any dog/cat is off the premises of the owner, the owner shall harness it or leash it securely to effectively prevent it from attacking and injuring any person or domestic animal and ensure that it is under the complete control of a competent person.
- 11.3 Every person requested by the Administrator to do so shall forthwith deliver to the administrator a statement in writing of the number of dogs or cats owned by him. To refuse to give such statement shall be a violation of this bylaw.

12. URBAN HENS

- 12.1 A person is entitled to keep Urban Hens on their property by first applying to the Administration Office by filling out Form "D" and paying the prescribed application fee as found in Schedule "A," which forms part of this Bylaw.
- 12.2 The following rules and regulations must be adhered to when keeping Urban Hens. The person must:
 - (a) Only have up to a maximum of five (5) hens;
 - (b) Not have any roosters;
 - (c) Provide each hen with at least 0.37 m² (4 ft²) of coop floor area, and at least 0.92 m² (10 ft²) of covered outdoor enclosure;
 - (d) Provide and maintain a floor of any combination of vegetated or bare earth in each outdoor enclosure;
 - (e) Provide and maintain, in each coop, at least one perch for each hen, that is at least 15 cm (6 in) long, and one nest box;
 - (f) Keep each hen enclosed within the yard; ie: covered outdoor enclosure. Hens must not be able to escape the covered outdoor enclosure.
 - (g) Adhere to the location and size of coops:
 - i. Coops need to be located at least 3 m (10 ft) from the rear and side lot lines.
 - ii. Coops need to be located at least 3 m (10 ft) from any door or window of a residential building.
 - iii. Coops need to be located in the rear yard of the lot.
 - iv. Coops can be no more than 2 m (6.5 ft) in height.
 - v. Coops cannot occupy an area of land larger than 9.2 m² (99 ft²).
 - (h) Provide each hen with food, water, shelter, light, and ventilation, heat in winter months, veterinary care, and opportunities for essential behaviours such as scratching, dust-bathing, and roosting, all sufficient to maintain the hen in good health;
 - (i) Maintain each hen enclosure in good repair and sanitary condition, and to the best of a person's ability, free from vermin and obnoxious smells and substances;
 - (j) Construct and maintain each hen enclosure to prevent any rodent from harbouring underneath or within it or within its walls, and to prevent entrance by any other animal;
 - (k) Keep a chicken-friendly food and water container in each coop;
 - (l) Keep each coop closed from sunset to sunrise;
 - (m) Remove leftover feed, trash, and manure in a timely manner;
 - (n) Store manure within a fully enclosed structure, and store no more than three cubic feet of manure at a time;
 - (o) Remove all other manure not used for composting or fertilizing;
 - (p) Keep hens for personal use only, and not sell eggs, manure, meat, or other products

- derived from hens;
- (q) Not slaughter, or attempt to euthanize, a hen on the property;
 - (r) Not dispose of a hen except by delivering it to a farm, abattoir, veterinarian, or other facility that has the ability to dispose of hens lawfully;
 - (s) Not keep a hen in a cage.
- 12.3 Any person who does not comply with the set out regulations may have their hens and/or henhouse removed from their property by the Bylaw Enforcement Officer or designated person, and the owner will be charged a fine as set forth under schedule "A".
- 12.4 A Bylaw Enforcement Officer, or designated person, may enter the property at any time, to inspect hen enclosure, before and after hens are housed.

13. Penalty

- 13.1 Where any person has committed or alleged to have committed a breach of any of the provisions of this Bylaw, a ticket in the form designated Form "C" forming a part of this Bylaw may be served on such a person by the Bylaw Enforcement Officer.
- 13.2 Notwithstanding Section 13.1, a person who contravenes any provision of this Bylaw, upon being served with the ticket, may voluntarily pay the prescribed penalty at the Administration Office within 10 days and have their penalty reduced by 50%.

14. Severability

- 14.1 A decision of the court that one or more of the provisions of this Bylaw are invalid in whole or in part does not affect the validity, effectiveness or enforceability of the other provisions or parts thereof with respect to this Bylaw.

15. Repealed Bylaw

- 15.1 Bylaw 2020-02 is hereby repealed.

16. Coming into Force

- 16.1 This bylaw shall come into force and take effect on the final date of passing by Council.

Seal



Mayor



Administrator

SCHEDULE "A" to Bylaw 2024-04

ANIMAL LICENSE FEES

SECTION	DESCRIPTION	FEE
2.1	Dogs /Cats January 1 - January 31	\$10.00/year
2.1	Dogs/Cats After January 31	\$50.00/year
12.1	Urban Hens	\$25.00/year

POUND FEES

SECTION	DESCRIPTION OF OFFENCE	FIRST OFFENCE	SECOND OFFENCE	SUBSEQUENT
4.2	Dogs & Cats	\$150.00	\$300.00	\$300.00

PENALTIES

SECTION	DESCRIPTION OF OFFENCE	FIRST OFFENCE	SECOND OFFENCE	SUBSEQUENT
2.3	Failure to Register Dog/Cat	\$100.00	N/A	N/A
6.1	Running at Large	\$100.00	\$200.00	\$300.00
8	Exceeding Limits on Any One Property (for each animal exceeding limits)	\$100.00	\$200.00	\$300.00
5	Neglects or Refuses to Clean Up Defecation	\$100.00	\$200.00	\$300.00
9.1	Nuisance Dogs	\$100.00	\$200.00	\$300.00
9.2	Nuisance Cats	\$100.00	\$200.00	\$300.00
12.3	Hen Regulations	\$50.00	\$100.00	\$200.00

SCHEDULE "B" to Bylaw 2024-04

PROHIBITED ANIMALS

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

- (a) All animals being reared for the bearing of fur or food;
- (b) All animals whose normal habitation is outside of urban centres (such as fox and 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)(at the discretion of Council)
- (e) All Bats;
- (f) All Bees;(at the discretion of Council)
- (g) All Canids, except the domestic dog;
- (h) All Crocodilians (such as alligators and crocodiles);
- (i) All Edentates (such as anteaters, sloths, and armadillos);
- (j) All Elephants;
- (k) All Felids, except the domestic cat;
- (l) All Hyenas;
- (m) All Insects being raised for the purpose of profit or gain;
- (n) All Livestock;
- (o) All Marsupials (such as kangaroos and opossums);
- (p) All Mustelids (such as skunks, weasels, otters, and badgers), except the domestic ferret;
- (q) All Non-Human Primates (such as gorillas and monkeys);
- (r) All Perissodactylus Ungulates (such as horses, donkeys, mules, and asses);
- (s) All Pigeons (at the discretion of council);
- (t) All Pinnipeds (such as seals, fur seals, and walruses);
- (u) All Procyonids (such as raccoons);
- (v) All Raptors, diurnal and nocturnal (such as eagles, hawks, and owls);
- (w) All Ratite Birds (such as ostriches and cassowaries);
- (x) All Galliformes, (such as roosters, turkey, grouse, quails, and pheasants), except the female chicken;
- (y) All Anseriformes (such as ducks and geese);
- (z) All Snakes of the families Pythodidae and Boidae;
- (aa) All Ursids (bears);
- (bb) All Venomous Reptiles and Amphibians;
- (cc) All Viverrids (such as mongooses)

Schedule "C" to Bylaw 2024-04



TOWN OF
Nokomis
101 3rd Ave West
Box 189
Nokomis, SK S0G 3R0

NOTICE OF VIOLATION

FOR BREACH OF:

BYLAW: _____

SECTION: _____

OTHER: _____

DATE: _____ TIME: _____

OFFENCE: _____

LOCATION: _____

DETAILS: _____

VEHICLE/ANIMAL DESCRIPTION: _____

LICENCE PLATE #/TAG #: _____

NAME: _____

ADDRESS: _____

TICKET # _____

Bylaw Enforcement Officer

PLEASE NOTE: You may make voluntary payment of 50% of the above penalty at the municipal office of the Town of Nokomis during regular office hours or by mail within ten (10) days from the date of service of this Notice of Violation. Please quote ticket # on cheque.

Failure to pay the specified penalty above within thirty (30) days will result in issuing of a summons to appear in Provincial Court, and upon summary conviction, you shall be liable to the penalty provided under Section ____ of the said Bylaw.

Nokomis Urban Hen Pilot Project – Application Form D

Name: _____

Civic Address: _____

Phone Number: _____

Email Address: _____

- I would like to keep ____ (up to 5) hens in my backyard as part of the Urban Hen Pilot Project.
- I currently own a residential property in the Town of Nokomis.
- There is enough space in my backyard to ensure a minimum of 4 ft² for each hen and a minimum of 10 ft² of roofed space to run.
- I own or have access to hens and the required equipment including (but not limited to) a weather and predator-proof coop.
- I understand that no products from the hens may be sold including (but not limited to) eggs, meat, and fertilizer.
- I understand that pilot participants shall adhere to good management and husbandry practices and maintain hens in such a condition to prevent distress, disease, and welfare issues.
- I understand that pilot participants shall make themselves and the site available for inspection on request of the Town of Nokomis's Bylaw Enforcement Officer.
- I understand that the participants approved for the pilot will be granted a term permission for the duration of the pilot and agree that the permission granted is temporary. A provisional plan will need to be in place for removal of the hens if the Town of Nokomis Council wishes to end the program.
- I understand that all costs and associated expenditures relating to the pilot or participation are the sole responsibility of the participant.
- I understand that as a participant, I am required to complete surveys, interviews, inspections, and any other reporting and analysis methods requested in connection with the pilot.
- I understand that I may have to arrange for removal of the hens and henhouse if I do not comply with the provisions set out in Bylaw 2022-04.
- By checking this box, I declare that the information in this application form is correct and complete to the best of my knowledge. I have read and understood the information provided to me by the Town of Nokomis Municipal Office as laid out in Subsections 12(d) and 12(e) of Bylaw 2024-04. I understand that false information given will result in the denial of my application for the Urban Hen Pilot Project.

Signature: _____

Date: _____

Administrator: _____ Approval Yes/No: _____