

RURAL MUNICIPALITY OF MILTON NO. 292

BYLAW NO. 2018-06

**A BYLAW TO PROVIDE FOR THE CARE AND CONTROL OF
ANIMALS, BEES, LIVESTOCK, AND POULTRY**

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1. ENACTING CLAUSE

The Council of the Rural Municipality of Milton No. 292, in the Province of Saskatchewan, enacts as follows:

2. CITATION

This Bylaw may be cited as *The Animal Control Bylaw*.

3. GOVERNING LEGISLATION

- 1) *The Municipalities Act* prevails in all circumstances where there might arise a conflict between *The Municipalities Act* and *The Animal Control Bylaw*.

- 2) *The Animal Protection Act, 1999* prevails in all circumstances where there might arise a conflict between *The Animal Protection Act, 1999* and *The Animal Control Bylaw*.
- 3) *The Veterinarians Act, 1987* prevails in all circumstances where there might arise a conflict between *The Veterinarians Act, 1987* and *The Animal Control Bylaw*.
- 4) *The Wildlife Act, 1998* prevails in all circumstances where there might arise a conflict between *The Wildlife Act, 1998* and *The Animal Control Bylaw*.

4. DEFINITIONS

In this Bylaw, the following definitions apply:

- 1) “**Administrator**” means the Administrator of the Rural Municipality of Milton No. 292 or designate;
- 2) “**Animal**” means all dogs, cats, and/or any type of common household pet that is deemed permissible by the bylaw to harbour within the municipality of the Rural Municipality of Milton No. 292, but shall exclude:
 - a) fish, small amphibians, and reptiles which are normally contained in an aquarium;
 - b) hamsters, gerbils, mice, guinea pigs, and other small rodents normally kept in a cage; and
 - c) any animal which is a Prohibited Animal;
- 3) “**Animal Run**” means an enclosure or structure outside of a residential dwelling unit used for the harbouring or containment of a dog or dogs, or a cat or cats;
- 4) “**Cat**” means any domestic bred cat, male or female, neutered or spayed, of the feline family over the age of four (4) months; excluding hybrid, wild, and exotic cats;
- 5) “**Council**” means the Council of the Rural Municipality of Milton No. 292;
- 6) “**Division 7**” means the rural division formally known as the Village of Alsask and as shown in Schedule “E”;
- 7) “**Dangerous Animal**” means any Animal declared to be dangerous by a Judge pursuant to *The Municipalities Act*.
- 8) “**Dog**” means any dog, male or female, neutered or spayed, of the canine family over the age of four (4) months;
- 9) “**Hunting**” means taking, wounding, killing, chasing, pursuing, worrying, capturing, following after or following on the trail of, searching for, shooting at, trapping, setting snares for, stalking or lying in wait for any wildlife, or attempting to do any of those things, whether or not the wildlife is then or subsequently captured, wounded or killed;
- 10) “**Judge**” means a judge of the Provincial Court of Saskatchewan or a Justice of the Peace;
- 11) “**Leash**” means a chain, rope, or strap attached to the collar or harness of an Animal, especially a dog, and used to lead it or hold it in check;
- 12) “**Livestock**” means cattle, goats, horses, sheep, swine, and all other fur bearing Animals, but does not include Pets;
- 13) “**Medical Health Officer**” means the Medical Health Officer or designate, and shall include the Senior Public Health Inspector and anyone under the instructions of the Medical Health Officer

for that Health Region containing the Rural Municipality of Milton No. 292; in carrying out the provisions of this Bylaw;

- 14) “**Microchip Implant**” means an identifying integrated circuit placed under the skin of a dog, cat, or other Animal by a licenced technician, usually a Veterinarian. The chip, about the size of a large grain of rice, uses passive RFID (Radio Frequency Identification) technology to store information about the Animal, and may also be known as a PIT tag (for Passive Integrated Transponder);
- 15) “**Municipality**” means the Rural Municipality of Milton No. 292 in the Province of Saskatchewan;
- 16) “**Municipal Enforcement Officer**” shall mean the Municipal Enforcement Officer (MEO) or Bylaw Enforcement Officer or designate as appointed by Council for the Municipality, including Animal Control Officers;
- 17) “**Nuisance Animal**” means an Animal that has repeatedly exhibited Threatening and Nuisance behaviors;
- 18) “**Owner**” means the person who has custody and/or control of an Animal, but shall not include:
 - a) a veterinarian registered pursuant to *The Veterinarians Act, 1987* who is keeping or harbouring an Animal for the prevention, diagnosis, or treatment of a disease or of an injury to the Animal;
 - b) an urban municipality, the Saskatchewan Society for the Prevention of Cruelty to Animals, a local Society for the Prevention of Cruelty to Animals, or a Humane Society operating pursuant to *The Animal Protection Act*, with respect to an Animal shelter or impoundment facility operated by any of them.
- 19) “**Pet**” means Animals, fish, birds, or reptiles that are:
 - a) domesticated or tamed and kept as a companion and deemed permissible by this bylaw to harbour within Division 7;
 - b) not raised for profit;
 - c) not customarily raised for human consumption;
 - d) not used for the purpose of transportation;
- 20) “**Pound**” means such premises and facilities as may be designated by Council for the purpose of safely lodging and securing Animals;
- 21) “**Prohibited Animal**” means any Animal as listed in Schedule “D”;
- 22) “**Service Dog**” means any dog with specialized training to assist any person with a recognized disability. This may include physical, psychiatric, intellectual, or mental disabilities and/or limitations. Emotional support animals or therapy animals, which provide therapeutic benefits, but do not have specialized training to provide services for a disabled person, are not considered a Service Dog under this bylaw.

5. APPLICATION

This bylaw applies to the ownership of all Animals within the Rural Municipality of Milton No. 292.

6. LICENCING OF ANIMALS

1) Obtaining a Licence:

- a) Every Owner of a dog or cat four (4) months old or older, within Division 7 shall obtain a municipality issued licence.
- b) The provisions of this section shall not apply to any dog or cat kept in the ordinary course of business by the proprietors of the following premises:
 - (i) a veterinary hospital, clinic, boarding kennel or grooming parlor;
 - (ii) a public Animal Pound;
 - (iii) any incorporated business that includes the sale of pets;
 - (iv) a shelter operated by an association or society incorporated for the purpose of the protection and humane treatment of Animals;
 - (v) a recognized Animal show or obedience training.
- c) When issuing a licence for a dog or cat, the municipality shall supply the applicant with a licence number plate or tag, the form of which and lettering or numbers inscribed or imprinted thereon as may be determined by the municipality, and a receipt for payment of the licence.
- d) The annual fee for a licence shall be as set out in Schedule "A".
- e) Any licence issued pursuant to the provisions of this Bylaw shall not be transferable to any other Animal.
- f) If a licence number plate or tag is lost or becomes illegible, it must be replaced pursuant to this Bylaw at a cost outlined in Schedule "A".
- g) A Service Dog shall be licenced as provided by this bylaw, but without charge.
- h) The Owner of a dog or cat shall ensure that it wears a collar to which is attached a current licence tag whenever the Animal is off the premises of the Owner. This provision shall not apply while an Animal is participating in a recognized show, obedience trial or field trial.
- i) Every Owner of a dog or cat within Division 7 shall, on demand by the Municipal Enforcement Officer, Peace Officer, or designate, produce and show his/her licence receipt or other evidence that he/she has a licence for the current year.

2) Information Required to Obtain a Licence:

When applying for a licence the applicant shall provide the municipality with:

- a) a physical description of the Animal;
- b) the breed or type of the Animal;
- c) the sex of the Animal;

- d) The age of the Animal;
 - e) the name of the Animal;
 - f) any other relevant information such as a tattoo, microchip, unique markings, or medical conditions required with respect to the Animal;
 - g) the name, physical address, mailing address and telephone number(s) of the Owner of the Animal.
- 3) Duration of the Licence:

The licence shall be in effect from January 1st to December 31st of the calendar year in which the licence was purchased.

7. BEES, LIVESTOCK, AND POULTRY

- 1) No person shall keep bees, livestock, or poultry within Division 7 of the municipality except in the following areas:
 - a) in a stockyard, where the same is a permitted use under the Zoning Bylaw, provided that all Federal and Provincial regulations relating to stockyards are complied with;
 - b) or with special permission of Council;
- 2) Sections 7 and 8 do not apply to the following places or circumstances:
 - a) in a veterinary clinic under the care of a licensed veterinarian;
 - b) by anyone holding a license under any statute of the Legislature of Saskatchewan or the Government of Canada, which permits the keeping of animals under stated conditions;
 - c) a zoo or travelling circus, provided they hold a valid license from the Province of Saskatchewan or the Government of Canada.

8. PROHIBITED ANIMALS

- 1) The ownership or harbouring of any Prohibited Animal, as outlined in Schedule "D", is strictly prohibited.
- 2) No person or corporation shall operate a pet shop that buys, sells, trades, exhibits or harbours any animal or hybrid of any animal of the kinds listed in Schedule "D".

9. MAXIMUM NUMBER OF ANIMALS ALLOWED:

No more than three (3) dogs and three (3) cats over the age of four (4) months shall be owned and/or harboured in a single dwelling within Division 7, excluding:

- 1) a veterinary hospital, clinic, boarding kennel, or grooming parlor;
- 2) a public Pound;
- 3) a shop whose business includes the sale of pets and is licenced as such;
- 4) a shelter operated by an association or society incorporated for the purpose of the protection and humane treatment of Animals;

- 5) a recognized Animal show or obedience training.

10. ANIMAL RUNS

- 1) Where an Animal is kept in an Animal Run the Owner shall ensure that the Animal Run is kept in a sanitary and structurally sound condition protecting the health and safety of the Animal.
- 2) The following should be taken into consideration for the construction of an Animal Run:
 - a) Light;
 - b) Ventilation;
 - c) protection from the elements including adequate roofing and flooring (if used) that is secured firmly to the sides of the enclosure to ensure stability;
 - d) use of weather resistant wood or materials;
 - e) a latch or fastener to prevent the Animal from escaping, and which may prevent the entry of unauthorized persons and young children.

11. RESTRAINTS

- 1) Animal Restraint Specifications:
 - a) An Animal which is restrained on private property by leash or means other than an approved Animal Run shall be restrained in the following manner:
 - (i) the restraint shall be of sufficient strength and kept it in a state of good repair so that the Animal will not escape, and that it cannot be chewed through, and;
 - (ii) the restraint shall be securely situated in the yard such that it will not allow the Animal to approach closer than two (2) metres of any sidewalk, street, or lane.
- 2) Leash Specifications:
 - a) Dogs must be on a leash no longer than 1.8 metres in length at all times when in any public area, unless it is a designated off-leash area.
- 3) Running at Large
 - a) The Owner or any other person having care or control of an Animal shall at no time allow the Animal to run at large.
 - b) When not on the Owner's private property, dogs must be under a person's control at all times.
 - c) The Animal will be considered to be at large when:
 - (i) the Animal is beyond the boundaries of the land occupied by the Owner or any other person having care or control of an Animal;
 - (ii) beyond the boundaries of any lands where it may be with the permission of the Owner or occupant of the said land not securely confined within an enclosure;
 - (iii) not securely fastened or leashed, thereby enabling it to roam at will.

12. DEFECATION

- 1) Any person having care or control of an Animal, shall immediately remove any defecation left by it on public or private property other than the private property of the Animal's Owner and dispose of it in a sanitary fashion.
- 2) The Owner or any other person having care or control of an Animal, shall ensure that defecation on the property of the Owner does not accumulate to such an extent that it may cause a nuisance and/or health risk to others.

13. ANIMAL BITES AND RABIES

- 1) If an Animal has bitten an individual or another Animal the individual shall provide the full details of the Animal(s) and its Owner(s) to the Municipal Enforcement Officer.
- 2) When an Animal is suspected of being rabid, or has been in contact with a rabid Animal, it shall be reported immediately to the Medical Health Office, Conservation Office, and/or the veterinary clinic.

14. THREATENING AND NUISANCE BEHAVIOR OFFENCES

- 1) No Animal shall, without provocation:
 - a) bite a person or other Animal whether on the property of the Owner or not;
 - b) engage in an act that injures a person or other Animal, whether on the property of the Owner or not;
 - c) chase or otherwise threaten a person or other Animal whether on the property of the Owner or not, unless the person or Animal being chased or threatened is a trespasser on the property of the Owner;
 - d) bark at, or chase people or other Animals, bicycles, automobiles, or other vehicles;
 - e) bark, howl, or hiss at night in such a manner or duration that disturbs any person acting reasonably;
 - f) cause damage to property;
 - g) defecate, urinate, or spray on private property, except with respect to the private property of the Animal's Owner;
 - h) dig in flowerbeds and gardens or waste receptacles that are not that of the Owner;
 - i) upset waste receptacles or scatters the contents thereof;
 - j) trespass on private property whether or not the Animal is running at large or is leashed.
- 2) The Owner of an Animal shall take all measures to prevent any nuisance behaviour.

15. DANGEROUS ANIMALS

- 1) No person shall keep or harbour an animal that has been declared by a judge to be a Dangerous Animal within the Municipality limits.
- 2) Sections 374 - 380 of *The Municipalities Act* applies in all circumstances.

16. SEIZURE AND IMPOUNDING

- 1) Authority to Seize and Impound
 - a) If any Animal has acted in contravention, or if the Municipal Enforcement Officer believes on reasonable grounds that the animal has acted in contravention of this Bylaw, then that Animal may be seized and impounded.
 - b) The Municipal Enforcement Officer may enter onto any land surrounding any building in pursuit of any animal observed behaving contrary to the provisions of this Bylaw.
- 2) Interfering with the Seizure or Impounding of an Animal
 - a) No person, whether or not they are the Owner of an Animal, shall:
 - (i) interfere with, or attempt to obstruct, the Municipal Enforcement Officer who is attempting to seize or has seized any Animal in accordance with the provisions of this Bylaw;
 - (ii) intentionally allow any Animal to escape by opening any vehicle or facility in which an Animal has been seized or impounded under this Bylaw;
- 3) When an impounded Animal is wearing a licence tag, the Municipal Enforcement Officer shall make every reasonable effort to contact the Owner registered in the municipal licensing records.
- 4) It shall be the duty of the Municipal Enforcement Officer to provide each impounded Animal with an adequate supply of food, fresh water, and shelter from the elements during confinement in the Pound.
- 5) Any Animal seized pursuant to this Bylaw shall be impounded until such time that any fines are paid. Impoundment fees will be charged to the Owner as set forth in Schedule "B".
- 6) Any unlicensed Animal which is impounded shall not be released until the outstanding fees and fines are paid and the Owner meets the requirements set out in Section 6, Licensing of Animals.
- 7) Any Animal seized pursuant to this Bylaw shall be impounded for a period of up to seventy-two (72) hours excluding the day of impoundment, weekends, and statutory holidays.
- 8) Where an Animal has not been reclaimed within seventy-two (72) hours, or where the Owner of the Animal has failed or refused to comply with Subsections (5) and (6), the Owner forfeits all Ownership rights and the Animal shall become the property of the municipality.

17. ANIMAL TRAPS

- 1) Property Owners may use their own trap to trap any Nuisance Animals or Dangerous Animals on their own property at their own risk, and report them to the Municipal Enforcement Officer for removal. At the request of the property Owner, the Municipal Enforcement Officer may trap and remove a Nuisance Animal or a Dangerous Animal from their property.

- 2) Any Animal traps used to facilitate the removal of Nuisance Animals from private property must be live-capture traps and the person setting the trap assumes full responsibility for the well-being of any Animals trapped therein.
- 3) The Municipal Enforcement Officer shall be notified of a trapped Animal and the location of the trap immediately for the removal of the Animal from the property.
- 4) The trap shall be placed in such an area that shall not allow the Animal to be exposed to any harmful elements (i.e. direct sun, harsh wind or rain, and any other harmful elements).
- 5) Traps shall be checked at least every:
 - a) four (4) hours when the temperature is between 6 and 30 degrees C;
 - b) two (2) hours when the temperature is between -9 and 5 degrees C.
- 6) No trap is to be left operational when the temperature is above 31 degrees C or below -10 degrees C.

18. CONSERVATION OFFICER PRIVILEGES

The municipality awards provincial Conservation Officers the authorization to discharge a firearm within the municipality when:

- 1) an Animal is threatening the life of an individual or another Animal;
- 2) wildlife has entered the municipality and is causing a nuisance and cannot be safely removed through other means, or;
- 3) a sick or injured Animal that is found within the municipality and immediate euthanizing of the Animal is required in order to avoid unnecessary suffering of the Animal.

19. COMMUNICABLE DISEASE, GRAVE INJURIES, AND EUTHANASIA

- 1) If an animal is suspected to have a communicable disease, the Owner must:
 - a) isolate the animal in a manner that will prevent further spread of the disease;
 - b) seek an assessment by a veterinarian; and
 - c) follow the orders of such veterinarian, the Municipal Enforcement Officer, and any government officials who have authority to issue such orders.
- 2) The Municipal Enforcement Officer, or veterinarian may take immediate action to euthanize any sick or gravely injured animal found within the municipality where, in the opinion of a Veterinarian, immediate euthanizing of the animal is required in order to avoid unnecessary suffering of the animal.
- 3) Reasonable efforts shall be made to contact the Owner of an Animal before it is euthanized. No liability lies against the municipality, the Administrator, the Municipal Enforcement Officer or Veterinarian if the Owner cannot be contacted.

20. GENERAL VIOLATIONS

1) Teasing and Enticing Animals

Any person teasing, enticing, baiting, or throwing objects at an Animal confined within its Owner's property shall be in violation of this Bylaw.

2) Unsanitary Conditions

No person shall keep an Animal in an unsanitary condition. Conditions shall be considered unsanitary where the keeping of the Animal results in an accumulation of fecal matter, an odor, insect infestation, or rodent attractants which endanger the health of the Animal or any person, or which disturb or are likely to disturb the enjoyment, comfort or convenience of any person in or about any dwelling, office, hospital or commercial establishment.

21. PENALTIES AND NOTICES OF VIOLATION

1) Any person who contravenes any of the provisions of this Bylaw or fails to comply therewith or with any notice given thereunder is guilty of an offence and is liable to the penalties as hereinafter provided. Said offence and penalties shall be listed on Schedule "C".

2) Any person who contravenes the provisions of this Bylaw as NOT specifically set out in Schedule "C" or fails to comply therewith, or with any notice given thereunder, is guilty of an offence and is liable on summary conviction to a fine in an amount not exceeding that provided for by the Rural Municipality of Milton No. 292 General Penalty Bylaw.

22. PAYMENT OF NOTICES OF VIOLATION

1) Where any person has committed or is alleged to have committed a breach of any of the provisions of this Bylaw, a ticket, notice, or summons may be served on such person by a Police Officer, Municipal Enforcement Officer, or any person duly authorized by Council. Such person served with a ticket or notice may voluntarily pay same at the Rural Municipality of Milton No. 292 Administration Office between the hours of 8:00 a.m. and 4:00 p.m., excepting Saturdays, Sundays, and public holidays, provided that payment is made within a period of ten (10) days from the service of the said ticket or notice. If payment is made within such time and accepted, then that person shall not be liable to prosecution for the offense.

2) Service of a ticket, notice, or summons pursuant to this Bylaw may be made by:

a) by personally delivering the ticket, notice, or summons to the person committing the breach of the provision of this Bylaw; or

b) by mailing such ticket, notice, or summons to the last known address of the Owner of said animal by registered mail.

3) A person to whom a Notice of Violation is being issued pursuant to this Section shall, upon request, provide their name and address. Any person who fails to provide this information is guilty of an offence and liable on summary conviction to be assessed a fine as outlined in the most current Rural Municipality of Milton No. 292 General Penalties Bylaw.

23. REPEAL

Bylaw No. 01-2012 is hereby repealed.


24. COMING INTO FORCE

25. This Bylaw, and all attachments thereto, and as shall be amended from time to time shall come into force and be in effect on the final passing thereof.





Reeve



Administrator

Read a third time and adopted
this 7 day of May, 2018



Administrator



This photocopy is a true copy of the original document which has not been altered in any way.

Name

Signature

Administrator
Title
Signed at Marengo, Saskatchewan on May 24, 2018 Date

SCHEDULE "A" - ANIMAL LICENCE FEES

Dog or Cat	\$10.00
Replacement Tag	\$2.00

SCHEDULE "B" - COSTS OF IMPOUNDING AND MAINTAINING ANIMALS

1. The cost of impounding and maintaining Animals shall be determined by the Rural Municipality of Milton No. 292.
2. The fees for impounding an animal shall be \$20.00 per day.
3. In addition to the above costs, if an Animal does not have a current and valid licence issued pursuant to Section 6 of this bylaw, an additional charge of \$20.00 per day shall be added to cover additional costs incurred by the municipality in attempting to determine the name of the Owner of the Animal for the purpose of notifying the Owner that the Animal has been impounded.
4. In addition to the above costs, any actual costs of veterinary care provided to the Animal while it is impounded shall be added to the fees and/or fines.

SCHEDULE "C" – PENALTIES

Offence		Penalty (Fine)	
		Time of Issuance (paid within 10 days)	After 10 days
Failure to licence an Animal	1 st Offence	\$50	\$100
	2 nd Offence	\$100	\$200
	3 rd Offence	\$250	\$500
Failure to attach a valid licence tag when an animal is off the premises of the Owner (with exception to micro-chipped animals)	1st Offence	\$50 plus licence fee	\$100 plus licence fee
	2nd Offence	\$100	\$200
	3rd Offence	\$200	\$400
Owning or harbouring any prohibited animals	1st Offence	\$100	\$250
	2nd Offence	\$250	\$500
	3rd Offence	\$500	\$1000
Exceeding limit of allowable animals on any one property (harbouring)		\$100 for each animal exceeding the limit, plus incurred removal costs	\$200 for each animal exceeding the limit, plus incurred removal costs
Animal at large	1st Offence	\$50	\$100
	2nd Offence	\$100	\$200
	3rd Offence	\$250	\$500
Chickens at Large	1st Offence	\$50	\$100
	2nd Offence	\$100	\$200
	3rd Offence	\$250	\$500

SCHEDULE "C" – PENALTIES Continued

Offence		Penalty (Fine)	
		Time of Issuance (paid within 10 days)	After 10 days
Failure to immediately remove an animal's excrement (defecation) from public property or private property other than the property of the Animal's Owner	1st Offence	\$50	\$100
	2nd Offence	\$100	\$200
	3rd Offence	\$250	\$500
Animal creating a nuisance or acting in a threatening manner	1st Offence	\$50	\$100
	2nd Offence	\$100	\$200
	3rd Offence	\$250	\$500
Dog attack		Fines ranging from \$100 to \$2,500 depending on implied severity	

SCHEDULE "D"- PROHIBITED ANIMALS

It is prohibited in the Rural Municipality of Milton No. 292 to own the following:

- a) Wildlife as defined in *The Wildlife Act*, which means a vertebrate Animal of any species, excluding fish that is wild by nature in Saskatchewan and includes:
 - (i) any part, tissue, genetic material, eggs, sperm, embryos or other forms of developmental life; and
 - (ii) any exotic wildlife found in Saskatchewan.
- b) all Arachnids dangerous to humans (i.e. scorpions and tarantulas except tarantulas of the genera *Aphonopelma*, *Avicularia* and *Grammostola*)
- c) all Artiodactylus Ungulates (i.e. deer and giraffes)
- d) all Vespertilionidae (i.e. bats)
- e) all Canids, except the domestic dog
- f) all Crocodylians (i.e. alligators and crocodiles)
- g) all Edentates (i.e. anteaters and armadillos)
- h) all Elephants
- i) all Felids, except the domestic cat
- j) all Hyaenidae (i.e. hyenas)
- k) all Marsupials (i.e. kangaroos and opossums)
- l) all Mustelids (i.e. skunks, weasels, otters and badgers) except the domestic ferret
- m) all non-human Primates (i.e. gorillas and monkeys)
- n) all Pinnipeds (i.e. seals and walruses)
- o) all Procyonids (i.e. raccoons)
- p) all Raptors, diurnal and nocturnal (i.e. eagles, hawks and owls)
- q) all Ratite Birds (i.e. ostriches and emus)
- r) all snakes of the families Pythonidae (i.e. pythons) and Boidae (i.e. boa-constrictors)
- s) all Ursids (i.e. bears)
- t) all Venomous Reptiles (i.e. rattle snakes and cobras)
- u) all Venomous Amphibians (i.e. toxic toads and toxic salamanders)
- v) all Viverrids (i.e. mongoose, civets and genets)

SCHEDULE "E"- DIVISION 7 BOUNDARY

