

VILLAGE OF MARCELIN

BYLAW NO. 07/2015

A BYLAW OF THE VILLAGE OF MARCELIN IN THE PROVINCE OF SASKATCHEWAN TO CONTROL ANIMALS

The Council of the Village of Marcelin in the Province of Saskatchewan enacts as follows:

1. SHORT TITLE

- a) This Bylaw may be cited as the Animal Control Bylaw.

2. DEFINITIONS

For the purpose of this bylaw, the following terms and words shall have the following meanings:

- a) **“Animal Control Officer”** means a person as appointed by the Council of the Village of Marcelin
- b) **“Chief Administrative Officer” or “CAO”** means the chief administrative officer for the Village of Marcelin;
- c) **“Cat”**- means a male or female cat or a male or female kitten over eight (8) weeks of age.
- d) **“Council”** means the Council of the Village of Marcelin
- e) **“Dog”** means a male or female dog or a male or female puppy over eight (8) weeks of age.
- f) **“Dangerous dog”** means:
- ◆ any dog that, without provocation, in a vicious or menacing manner, chases or approaches a person or domestic animal in an apparent attitude of attack;
 - ◆ any dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise threaten the safety of persons or domestic animals;
 - ◆ any dog that, without provocation, has bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal;
 - ◆ any dog which is owned primarily or in part for the purpose of dog fighting or is trained for fighting;
 - ◆ any dog declared dangerous by a judge as defined in this bylaw.
- g) **“Domestic Pet”** means any and/or all dogs or cats as defined pursuant to this bylaw.
- h) **“Excessive Noise”** means any and all sources of noise from cat or dog that is found to be unnecessary or unreasonable, including by not limited to continuous barking of a dog.
- i) **“Judge”** means a judge of the Provincial Court of Saskatchewan, a justice of the peace, or the Council of the Village of Marcelin.
- j) **“Municipality” or “Village”** means the Village of Marcelin

- k) **“Owner”** includes:
 - ◆ a person, persons, partnership, association or corporation who keeps, possesses, harbours or has care of or control of a dog;
 - ◆ the person/parent responsible for the custody of a minor where the minor is the owner of a dog.
- l) **“Pound”** means such premises and facilities as may be designated by the Council of the Village of Marcelin for the purpose of safely lodging and securing animals seized pursuant to this bylaw.
- m) **“Person”** means and includes an individual(s), partnership, association or corporation.
- n) **“Running at large”** means when the dog is beyond the boundaries of the land occupied by the owner, possessor, harbourer or keeper of the said dog, 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:
 - ◆ on a leash or harness and in direct and continuous charge of a person competent to control it; or
 - ◆ securely confined within an enclosure; or
 - ◆ securely fastened so that it cannot roam at will.

3. **REGISTERING**

- a) Every owner of a domestic pet(s) within the town shall cause each such pet(s) to be registered with the Village Office. At the time of registering, the applicant shall provide the Village Office with a physical description of the domestic pet(s), the breed of the domestic pet(s), and the name, address and telephone number of the owner of the domestic pet(s), as set out in the form designated Form “A” and attached hereto.
- b) The registration year for domestic pet(s) shall be from the first (1st) day of January to the thirty-first (31st) day of December of the same year.
- c) Every owner who has registered a domestic pet(s) shall cause the animal to wear a collar to which shall be attached the registered tag issued by the municipality pursuant to this bylaw.
- d) Every owner of a domestic pet(s) shall, no later than February first (1st) in each year, register the said domestic pet(s) at the Village Office, and failure to do so shall constitute an offence under this bylaw.
- e) In addition to the registration requirements laid down in Section 3(a)(b)(c)(d), the owner of a domestic pet(s) shall pay an annual registration fee as set out in Schedule “A” attached hereto.
- f) Any domestic pet registration certificate or applicable fee issued pursuant to the provisions of this bylaw by the Village shall not be transferable to any other domestic pet.
- g) Notwithstanding Section 3 e), a dog which has been professionally trained to assist the physically challenged or those suffering from chronic, life-threatening diseases or trauma including, but not limited to, epilepsy, diabetes, blindness and wheelchair confinement, shall not be subject to a registration fee.

- h) The provisions of this section shall not apply to the domestic pet(s) kept, in the ordinary course of business, by the proprietors of the following premises:
 - ◆ A veterinary hospital, clinic, boarding kennel or grooming parlor;
 - ◆ A public pound
- i) A person residing in the Village who owns, possesses, keeps or harbours a domestic pet(s) and neglects or refuses to register or pay any applicable registration fee shall be subject to the penalties as outlined in Schedule “C” of this bylaw.

4. RUNNING AT LARGE

- a) No domestic pet shall run at large in the Village at any time whether it is licensed or not, and for the purpose of this bylaw, a domestic pet shall be deemed to be running at large when it is beyond the boundaries of the land occupied by the owner, possessor or harbourer of the said pet, or beyond the boundaries of any lands when it is not under control by being:
 - ◆ in direct and continuous charge of a person competent to control the animal;
or
 - ◆ securely confined within an enclosure; or
 - ◆ securely fastened so that it cannot roam at will.
- b) A person who owns, possesses or harbours an animal found running at large shall be deemed guilty of an infraction of this bylaw and will be charged a penalty as set out in the attached Schedule “C”.

5. LIMITS- DOGS AND CATS

- a) No person or persons within the Village shall harbour or keep more than two (2) dogs on any one property. If an owner fails or refuses to comply with the provisions of this section, he/she shall be subject to the penalties as set out in Schedule “C” attached hereto.
- b) No person or persons within the Village shall harbour or keep more than two (2) cats on any one property. If an owner fails or refuses to comply with the provisions of this section, he or she shall be subject to the penalties as set out in Schedule “C” attached hereto.

6. SEIZURE AND IMPOUNDING

- a) An Animal Control Officer may seize and impound any dog observed to be at large.
- b) An Animal Control Officer may enter onto land surrounding any building in pursuit of any dog, which has been observed to be at large.
- c) The Animal Control Officer is hereby authorized to seize and capture, by any method authorized by resolution of Council, and impound any domestic pet(s) running at large contrary to the provisions of this bylaw.
- d) Any person may take any domestic pet(s) found running at large contrary to the provisions of this bylaw to the Village pound.
- e) Any person may be issued a cat trap upon execution of an agreement as set out in designated Form “B”, and such person shall abide by the terms of the cat trap permit agreement. When a cat has been captured, the Village Office shall immediately post notice in the Village Office, Post Office and on the Main Street bulletin board containing a description of the cat along with the terms for release.
- f) No person, whether or not he is the owner of a domestic pet(s) which is being or has been pursued or seized, shall:

- ◆ interfere with or attempt to obstruct a animal control officer who is attempting to seize or has seized any domestic pet(s) in accordance with the provisions of this bylaw;
 - ◆ 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 therefrom.
 - ◆ remove or attempt to remove any dog or cat from the possession of the Animal Control Officer.
- g) All dogs impounded 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 upon paying to the Village Office the amount set forth in Schedule “B” to this bylaw.
- h) 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 has been registered.
- i) When a domestic pet has been impounded, the animal control officer shall immediately attempt to contact the owner as shown in the records made when the domestic pet was registered at the address shown therein, that unless the said pet is claimed and the fees as provided for in this bylaw are paid within 72 hours from the date of the impounding, the said pet shall be dealt with pursuant to the provisions of the bylaw.
- j) All impounded or captured domestic pets which are not claimed within 72 hours as aforesaid, may be sold by the Village Office to any person paying for such domestic pet, a sum to recover fees charged as provided for by this bylaw.
- k) In the event any dog or cat is not sold after expiration of the said 72 hours, it shall be disposed of in the most humane way possible.
- l) It shall be the duty of the Animal Control Officer to provide each domestic pet impounded or captured under the authority of this bylaw an adequate supply of food and fresh water and proper shelter during its confinement on a daily basis.
- m) Any dog found in any public street, lane, park, boulevard or other public place or otherwise running at large contrary to the provisions of this bylaw, the Animal Control Officer may seize and impound by any method authorized by Council.

7. LITTER-DOGS AND CATS

- a) 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 of this bylaw, and subject to the penalties as set out in Schedule “C” attached hereto.
- b) 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 daily basis. Failure to cause such removal shall be an infraction of this bylaw, and subject to the penalties as set out in Schedule “C” attached hereto.

8. NUISANCE

- a) The owner, possessor or harbourer of a dog shall not allow the animal to create a nuisance 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 under this bylaw.

- b) The owner, possessor or harbourer of a cat shall not allow the animal to create a nuisance 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. An owner, possessor or harbourer who contravenes this section commits an offence under this bylaw.
- c) Any person within the Village of Marcellin who wished to register a complaint of any infraction of this bylaw must complete and sign a complaint form, which shall be Form “D”, attached to and forming part of this bylaw.

9. RABIES AND OTHER DISEASES

- a) Any domestic pet(s) suspected of having rabies shall not be killed but shall be secured and isolated for ten (10) days and the matter immediately reported to a veterinary clinic whose instructions shall be complied with.
- b) An owner, possessor or harbourer of a dog or cat who neglects or refuses to comply with any order of the veterinary clinic shall be guilty of an infraction of this bylaw.

10. DANGEROUS DOGS

- a) Persons who harbour, possess or keep a dangerous dog after it has been declared dangerous shall:
 - ◆ keep the dog in an enclosure which shall be constructed of wood or any other material of sufficient strength and in a manner adequate to:
 - ◆ confine the dog; and
 - ◆ prevent the entry of children of tender years.
- b) If the dog is removed from the enclosure, it shall be muzzled and leashed as follows:
 - ◆ fitted with a collar or harness for the body that is properly placed and fitted on the dog;
 - ◆ the movement of the dog shall be controlled by a person by means of a leash attached to the collar or harness on the dog;
 - ◆ the leash shall not exceed 1.2 meters in length and be constructed of material having a tensile strength of at least 140 kilograms;
 - ◆ the muzzle shall be properly fitted on the dog to prevent it from biting any animal or person;
- c) Within 10 days of a dog being declared dangerous provide proof to the administrator of the municipality that liability insurance of not less than \$300,000.00 has been obtained for any bodily injury to or death of any person or domestic animal, or for damage to property caused by the dog.
- d) Display a sign in the prescribed form and manner at each entrance to the premises where the dog is kept and on the enclosure in which the dog is confined. The sign shall be clearly visible and capable of being read from any adjacent public road and shall read “WARNING DANGEROUS DOG ON PREMISES”.
- e) Any complaint that a dog is dangerous shall be made to and heard by a judge.

11. LIVESTOCK AND POULTRY

- a) For purposes of this section, the following definitions shall apply:
 - ◆ livestock- means any domestic animal usually raised for sale and profit, including, but not necessarily limited to:
 - an animal as defined in Section 2(b) of *The Stray Animals Act*; or

- an animal as defined in Sections 2 and 3 of *The Stray Animals Regulations, 1999*.
- ◆ poultry – means domestic fowl usually propagated and fattened for the table and for their eggs, feathers, etc. including, but not limited to:
 - chickens, geese, ducks, turkeys, guinea fowl; or
 - pigeons of the species *Columba livia*, commonly known as the domestic pigeon, and includes pigeons raised for the purpose of racing, show, table and pets and includes feral pigeons.
- b) No person shall possess, harbour, confine, herd, graze or allow to graze any livestock or poultry within the limits of the town.
- c) Section 11(b) shall not apply to livestock and poultry brought into town for the duration of a special event at which the said livestock and poultry will be used for purposes of exhibition or performing at a special event.

12. GENERAL PENALTY

- a) A person who contravenes any provision of this bylaw or neglects or refuses to comply therewith shall be guilty of an offence and liable upon summary conviction to a fine of not less than \$50.00 and not more than \$2,000.00.

13. PENALTY NOTICE

- a) 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” attached to and forming a part of this bylaw, may be served on such person by the Chief Administrative Officer.
- b) Where a ticket is being issued pursuant to this section, the following procedures shall be followed:
 - ◆ For the first offence, the owner will be sent a letter from the Village informing them that their domestic pet(s) has been reported to the Village Office of being at large, causing a nuisance, and/or littering and that they are in non-compliance with the Village Bylaw and are liable to a fine of not less than one hundred (\$100.00) dollars and warned that they will be liable to a fine of not less than two hundred (\$200.00) dollars for the second offence and not less than five hundred (\$500.00) dollars for the third and any subsequent offence.
 - ◆ For the second offence, the owner will receive a second letter and will be liable to a fine of not less than two hundred (\$200.00) dollars.
 - ◆ For the third and subsequent offence, the owner will receive a letter and will be liable to a fine of not less than five hundred (\$500.00) dollars.
 - ◆ Any domestic pet running at large four or more times shall be disposed of by the police or other person appointed by Council.
- c) Notwithstanding Section 11(c), a person who contravenes any provision of this bylaw, upon being served with a ticket, may voluntarily pay the prescribed penalty as set forth in Schedule “C” to this bylaw.
- d) If the Village receives voluntary payment of the prescribed penalty within thirty (30) days from the date the ticket was issued, the person receiving the ticket shall not be liable for prosecution for the offence.
- e) If the person who has committed or is alleged to have committed a breach of any section of this bylaw fails to pay the specified fine within the time allowed following service of the ticket, the provisions of this section no longer apply and the person shall be liable to prosecution for the offence.

14. SEVERABILITY

- a) 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.
- b) This bylaw shall come into effect seven (7) clear days after being passed by Council

15. REPEAL

Bylaw No. 3/2003 is hereby repealed.

Mayor

SEAL

Chief Administrative Officer

Read a third time and adopted
this ____ day of _____

Administrator

SCHEDULE TO BYLAW 07/2015

A. Annual registration fee {Section 3e)}

1. The registration fee for each year under Section 3 e) shall be \$25.00 for each domestic pet.
2. The registration fee for each spayed or neutered domestic pet shall be \$5.00. The owner, upon application for registration, may be required to provide a certificate from a certified veterinarian stating that said pet has been spayed or neutered in order to qualify for a reduced registration fee.

B. Dog Pound Fees {Section 6g)}

1. Impoundment:
 - First offence \$40.00 plus \$5.00 per day or part thereof
 - Subsequent offences within 12 months \$300.00 plus \$5.00 per day or part thereof

**SCHEDULE "C" TO BYLAW 07/2015
PENALTIES**

Section	Offence	First	Second	Third & Subsequent
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****If paid within 30 days of date of issue of the notice of violation:**

3 e)	Failure to register	\$100.00	\$200.00	\$500.00
4	Running at large	\$100.00	\$200.00	\$500.00
5	Exceeding Limit of Pets	\$100.00	\$200.00	\$500.00
7	Littering	\$100.00	\$200.00	\$500.00
10	Nuisance	\$100.00	\$200.00	\$500.00
3(a)	Falsifying breed of dog when registering	\$100.00	\$200.00	

If paid after 30 days of the date of issue of the notice of violation:

All offences as listed above	\$150.00	\$300.00
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**FORM "A" – BYLAW 07/2015
{Section 3(a)}**

DOMESTIC PET REGISTRATION FORM

Name of owner: _____

Address(mailing): _____
(civic): _____

Phone Number: _____

Tag #: _____

Breed of Domestic Pet: _____

Physical Description: _____

Registration fee: _____

FORM "B" – BYLAW 07/2015
{Section 6(e)}

CAT TRAP PERMIT

Date: _____

Trap #: _____

The undersigned agrees to the following terms and conditions:

1. to place the cat trap only on his or her property which is within the Village of Marcelin;
2. to personally check the cat trap each hour while the trap is set;
3. in the event a cat is captured, to immediately phone the animal control officer or the Village Office. 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 other place that it 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 animal control officer. If the undersigned cannot comply with this condition, the trapped cat must be freed unharmed;
4. to ensure that no harm comes to any captured cat while in their possession, including exposure to inclement weather;
5. cat traps are not to be used when the temperature falls below -10C or rises above +30C;
6. any animal control officer may enter the property of the undersigned to ensure the trap is being used properly;
7. to advise the animal control officer of the ownership of any cat trapped, if known;
8. to be responsible for the trap, including the cost or repair or replacement if damaged, lost or stolen;
9. the trap is to be returned to the animal control officer three days after issuance.

****IT IS A SERIOUS OFFENCE TO HARM ANY DOMESTIC ANIMAL****

Address of intended location of trap: _____

I understand and accept all liability which 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 Marcelin for all such liability.

Signature: _____

Name of complainant: _____

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TRAP RETURNED:

Date: _____

Received by: _____

Remarks: _____

Signature of Complainant or Agent

FORM "C" – BYLAW 07/2015

NOTICE OF VIOLATION

This official notice is issued for a breach of
Bylaw No. 07/2015

You may avoid prosecution for this offence by paying to the office of the Administrator, during regular office hours, the penalty stated hereinafter within 30 calendar days of the date served on this notice. Failure to do so will result in prosecution in Provincial Court. Penalty may be remitted to: Village of Marcelin, Box 39, Marcelin, SK. S0J 1R0.

Name of Violator _____

Address _____

Description of Domestic Pet _____

Nature of Violation:

1. Failure to comply with Section - _____ (Bylaw No. 07/2015)

First offence, \$100.00

Second offence, \$200.00

Third or subsequent (_____) offence, \$500.00

General Penalty \$ _____

2. Failure to comply with Section 10, Dangerous Dogs (Bylaw No. 07/2015)

\$ _____, not to exceed \$10, 000

Location of Violation _____

Date of Violation _____

Date Served _____

Served By _____

Witness to Server's Signature _____

FORM "D" – BYLAW 07/2015

COMPLAINT FORM

Name of Domestic Pet Owner _____

Description of Domestic Pet _____

Nature of Complaint:

Location of Violation _____

Date of Violation _____

Complainant

Date

Chief Administrative Officer

Date Received